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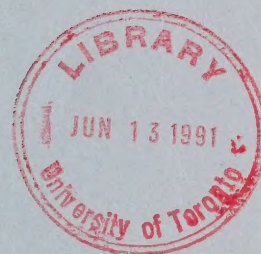
VOLUME: 315

DATE: Tuesday, May 28, 1991

BEFORE:

A. KOVEN Chairman

E. MARTEL Member



FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416) 963-1249

**FARR &
ASSOCIATES
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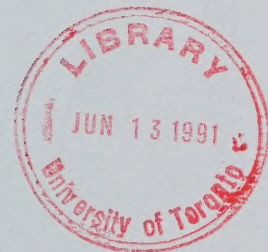
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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER of a Notice by The Honourable
Jim Bradley, Minister of the Environment,
requiring the Environmental Assessment
Board to hold a hearing with respect to a
Class Environmental Assessment (No.
NR-AA-30) of an undertaking by the Ministry
of Natural Resources for the activity of
Timber Management on Crown Lands in
Ontario.


Hearing held at the Inn of the Woods Hotel,
470 First Avenue South, Kenora, Ontario, on
Tuesday, May 28th, 1991, commencing at
9:00 a.m.

VOLUME 315

BEFORE:

MRS. ANNE KOVEN
MR. ELIE MARTEL

Chairman
Member



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MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION

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1859	Panel 3 witness statement of Grand Council Treaty No. 3.	55622
1860	MOE interrogatories and answers thereto. (Panel 2)	55667
1861	Document entitled The Indian Forestry Development Program Proposal to Indian Affairs.	55668
1862	Document entitled Opportunities in Forestry by Harry M. Bombay, dated October 6, 1990.	55668
1863	Document entitled Indian Forestry Development Strategic Plan, consisting of 27 pages.	55669
1864	Forest Management Plan for Islington, Swan Lake and One Man Lake for the period May 1988 to May 1993, authored by Edward Volpe of the Indian Forestry Development Program in Kenora.	55706

1 ---Upon commencing at 9:05 a.m.

2 MADAM CHAIR: Good morning, Mr. Colborne.

3 MR. COLBORNE: Thank you, Madam Chairman.

4 Paul Watts, one of our witnesses, has
5 been delayed. I am expecting that he won't be too
6 long. He is communicating from Wabigoon and I guess a
7 lot of things can happen between here and there.

8 Continuing with the questions.

9 I believe that at the break my last
10 question had concerned the topic of jobs and it had
11 been addressed to Chief Willie Wilson and I believe
12 that Chief Wilson had perhaps not completed the answer,
13 but if I am wrong on that I am sure he will tell me
14 now.

15 PAUL WATTS,
16 RON SIMMONS,
ROY CARPENTER,
17 CHIEF WILLIE WILSON,
FRANCIS KAVANAUGH,
18 ROCKY SEYMOUR, Previously Sworn

19 CONTINUED DIRECT EXAMINATION BY MR. COLBORNE:

20 Q. The question had to do with the
21 availability of good jobs in the Manitou Reserve area,
22 who had them and what barriers, if any, there were to
23 the members of the Rainy River Band at that reserve
24 gaining access to such jobs.

25 Had you finished dealing with that topic,

1 Chief Wilson?

2 CHIEF WILSON: You hadn't got to me yet.

3 MADAM CHAIR: Excuse me, Mr. Colborne.

4 Before we begin, could I ask the gentlemen on the
5 witness panel when they speak maybe if they could take
6 one of those microphones and put it in front of them.
7 The court reporters are having just a little bit of
8 trouble picking up everything we are saying.

9 MR. COLBORNE: Certainly.

10 MADAM CHAIR: Thank you.

11 CHIEF WILSON: When you don't know the
12 answer you mumble.

13 MADAM CHAIR: Thank you, Chief Wilson.

14 CHIEF WILSON: I believe the question is
15 what are the good jobs or what other jobs are in the
16 community?

17 MR. COLBORNE: Q. Yes. What barriers,
18 if any, are there to the members of your community
19 getting those jobs and focus on the forest industry if
20 you being?

21 CHIEF WILSON: A. Okay. First of all, I
22 live in an area where there is no forest, there is no
23 resources there. So we have to be a little bit
24 innovative. But even if they are there, we do have
25 accessibility to Boise Cascade which is in the forest

1 industry, to MNR which is in the wide wide world of
2 forest management and there are other opportunities as
3 well, particularly with Ontario Hydro and as well as
4 with Bell telephone.

5 I believe in our situation of 1990 and
6 '91, our stats in our reserves -- we had 87 per cent
7 employment. The problems we have and we are not in the
8 sectors. We have a sawmill which employs 17 Indian
9 people at peak times, we have totally on reserve 12
10 non-Indian people living, we work on on-reserve
11 services, off-reserve social services, self-employment,
12 wild rice and accounting services.

13 There are times that we do have more than
14 one hundred per cent employment of our people on our
15 reserve, particularly during tree planting and other
16 kinds of work like that.

17 As I said before, some of the problems we
18 have in dealing with the various accessible areas that
19 we don't have people working in, particularly with
20 union -- I mean with Boise. Those problems exist from
21 unions, they are unions, and the independent logging
22 operations which take up the priority of their work
23 force.

24 So, consequently, when Boise wants to let
25 out contracts they will look at independents first and

1 one of the reasons that we are able to obtain sawlog
2 material is from those independents.

3 There have been no communications
4 whatsoever to try and develop a system that allows us
5 to get into those services or allows us to get into the
6 work force or labour force of Boise Cascade. I think
7 as well that applies to MNR. Management policies and
8 being able to communicate those jobs to the Indian
9 country has not been very good.

10 I guess the primary example, at one time
11 we had a very proud, lucrative fire fighting crew there
12 which traveled all over and has competed with Whitefish
13 Bay in the competitions of fire fighting and I think if
14 Whitefish Bay lost they won or vice versa.

15 Now, the firefighters at that time was
16 called CCIs, card carrying Indians, which means that we
17 can fight fire internationally in the States or any
18 place in Ontario or Canada. Unlike the way the
19 firefighters are equipped now, if we were to bring
20 firefighters from Manitoba or from other provinces or
21 from the U.S., we have to have some special agreements
22 or whatever. The fortunate thing about Indian
23 firefighters is that they can go into any province or
24 go in the U.S. without restrictions.

25 I think as of now some of these things

1 have been brought to the attention of this hearing and
2 I'm sure that MNR is listening and there is an attempt
3 now in Fort Frances and I believe there is one here in
4 Kenora too. I think Rocky will probably speak to that
5 after.

6 Now, there are other areas which I
7 believe are equally important and could have some
8 involvement with and that's with Ontario Hydro in being
9 able to maintain some of their right-of-ways. I think
10 Indian people can fit into that very well, as well as
11 the Bell Telephone systems.

12 The service industry in Fort Frances, if
13 you were to look at it, I think we did a survey not too
14 long ago and we .34, I think is what it amounts to, I
15 don't know what the real fractions are, but that's what
16 our labour force is working in in the service industry
17 in Fort Frances.

18 So we have a long ways to go. If we can
19 reach one per cent that's certainly 300 per cent of
20 what we've got right now.

21 I'd like to share a story with you. Just
22 recently I have hired a band manager for my community
23 who used to be the President of Northern Ontario's
24 Tourist Association, was very much on the other side of
25 the fence of Indian people and understanding or trying

1 to understand where Indian country is coming from and
2 the value systems.

3 Now he is able -- now that he is working
4 for us, I'm sure he is very pro-Indian now. I have
5 listened to him at various conferences, meetings that
6 we have had and is starting to understand where Indian
7 country is coming from. I think the best phrase I've
8 heard from him, the illustration that he uses, that
9 sometimes when you are looking at a balance sheet, it's
10 not how you get to the bottom line and still make it
11 look positive, it's how you get there and the value
12 that you put into it.

13 So I have been using that, stealing that
14 line from him and I think that applies in many of the
15 cases here. When I talked about the tree planters. I
16 have a friend of mine who some of these restrictions,
17 labour restrictions, or other kinds of restrictions and
18 laws and et cetera. It's not how you get there, it's
19 what the bottom line is.

20 We have in our community now, I'm proud
21 to say, we have educated some of our people to the
22 point of being a lawyer, a pharmacist and other senior
23 management employees of governments, not so much in the
24 private sector but practically in the -- mostly in the
25 government sector.

1 So, again, when we look at the efforts we
2 are putting into education, we educate our people to
3 move off the reserve rather than bringing back that
4 information or that -- back to the reserve so that it
5 can assist the community. We're exporting rather than
6 importing it back. So, again, leaving us with trying
7 to deal with what we have with the limited knowledge
8 that we have and the benefactors are being outside of
9 the reserve communities.

10 If I didn't cover anything maybe somebody
11 else can ask me some more questions.

12 Q. Thank you. Francis Kavanaugh, the
13 question is the same one as you have heard before; that
14 is, what are the good jobs in the Whitefish Bay area,
15 who has them, are there barriers to the members of the
16 Whitefish Bay community getting them and, once again,
17 focus on the forest industry, please.

18 MR. KAVANAUGH: A. Okay. With respect
19 to good jobs and their availability. On reserve we
20 have our own school in the community that takes on
21 Junior K to grade 12. So we have people working there
22 in maintenance, taking care of the school itself and
23 the grounds, teachers, then we have sports staff,
24 teachers' aids and people with counselling skills and
25 some teachers from the reserve.

1 We have that and I would think they
2 number in the area of -- I'm not quite sure, but
3 between 10 and 15 people from the community work at the
4 school. We have -- okay. There is some in the
5 administrative areas, you know, that run the education
6 program itself. There is some people working there.
7 So in fact there may be about 20 people working for the
8 school. Then we have...

9 ---Discussion off the record

10 MR. KAVANAUGH: A. We have a fish plant
11 located in Dryden which is a commercial fishing outlet.
12 We have 14 lakes in and around Dryden, Ignace, Sioux
13 Lookout, Ear Falls and Red Lake. It's not like
14 something we can look at as long-term employment
15 because the way the licences are structured are that
16 with some licences we can fish in odd years and some on
17 even years only, and then the dates those licences can
18 be utilized are staggered, meaning that you can only
19 fish a lake at certain periods of time, say, maybe June
20 10th to 28th or something like that. I am just using
21 those figures. There may be a period in there where
22 there is no activity at all until another licence opens
23 up in maybe September or October.

24 So we are looking at -- the dates are
25 staggered, there is no continuity in the people being

1 able to fish the lake from break up to freeze up. So
2 there is a problem there and we have a problem with, I
3 guess, keeping the people working really. We have a
4 high turnover because there is no real opportunity for
5 people to have gainful employment for, you know, even
6 seasonal jobs. So we have that.

7 Then there is some opportunities for
8 employment in MNR, but our people aren't just getting
9 them.

10 There is also presently, highway
11 construction just began a few weeks ago going on in
12 Sioux Narrows and I know for a fact that one of my
13 brothers has applied for employment on that
14 construction. He is a qualified heavy equipment
15 operator and he can drive trucks and frontend loaders
16 and whatnot and he keeps getting the same message, the
17 same answer: We will give you a call if we need you,
18 if we need anybody we will get ahold of you. Presently
19 he's guiding. He's a responsible man. He has a family
20 to feed and, you know, he will take anything that's
21 available. At the present moment there is nobody from
22 the community on that construction, even the labourers
23 or whatever.

24 Then we have people that commute from
25 Whitefish Bay to Kenora. I would think there is about

1 10 to 15 people working in Kenora at various jobs,
2 office jobs and whatnot.

3 Then we have -- I guess the tourist
4 industry is another area where there is opportunities
5 for employment and as we -- during yesterday's
6 testimony we heard there was an exploitation of
7 resources in northwestern Ontario, particularly Treaty
8 3 area, and that is one area that has been highly
9 exploited and I can even say, even the native people
10 have been exploited.

11 I say that because my dad, who passed on
12 just a year and a half ago, was very instrumental in
13 building a lot of the lodges, the tourist establishments
14 in Sioux Narrows. He helped build the facilities, the
15 log structures and whatnot, docks, whatever, and he
16 guided, he hunted and he passed on his skills, his
17 knowledge about the area, the safety factors to
18 non-Indian people.

19 And then basically what started to
20 transpire was that most of our people started to pass
21 on too much of their knowledge and skills to
22 non-Indians, in this particular case university
23 students. You know, they basically ended up with no
24 jobs.

25 I suppose the point here would be like in

1 the case of some governments like, say, maybe the
2 Province of Ontario, you know, they jealously guard
3 some of their - if I may use it just to make a point -
4 jurisdiction. You know, if we were to -- if our people
5 had jealously guarded their knowledge and their skills,
6 you know, we would still have people employed and a
7 high number of people employed in the tourist industry,
8 but if you take a look around now there is hardly
9 anybody, but we have a lot of people walking the
10 streets of Whitefish Bay who can be out there guiding
11 or doing something for the tourist industry.

12 I guess that's basically it as far as the
13 tourists -- I mean, how forestry is involved. As I
14 said yesterday, there isn't very much activity in the
15 areas of forestry in Whitefish Bay. So that's
16 basically my answer.

17 Q. Rocky Seymour, with regard to Rat
18 Portage, once again the question is - and focusing on
19 the forest industry as much as you can - what are the
20 good job opportunities, who gets them and are there any
21 barriers in the way of members of your community
22 getting them?

23 MR. SEYMOUR: A. I worked with MNR back
24 in '84, I started working with MNR in fire suppression.
25 The first year we started was a short-term. In '85, I

1 went back and started a full year with them. Full year
2 means it was from May 15th to August 1st.

3 I worked on that program, the Native
4 Auxillary Program. I was there for six years. There
5 was always two of us. From our community of Rat
6 Portage situated so close to town we were quite
7 accessible. We had highly trained people in regards to
8 being able to live out in the wilderness. Our people
9 are quite adapted to being rushed, being called. We
10 wanted to work too.

11 Like I mentioned yesterday, we had a
12 community plan back in '82. Our community has a
13 marina. There are a few other things, a lumber yard
14 which employs three, the marina employs four and within
15 the staff they employ about six.

16 In regards to some of the problems that
17 we had working within MNR. My philosophy was, I was
18 there to work, I didn't care any about the smart
19 remarks I heard from MNR. Like I said, there was two
20 of us that started. So we went through four -- well,
21 six other guys within this time period besides me,
22 along with me.

23 My philosophy was, I was there to do a
24 job and I didn't mind -- or I didn't take the time to
25 hear what the remarks were about native people. To me,

1 I knew who I was and that's all I knew about.

2 If you have to ask questions later go
3 ahead.

4 One of the things about MNR - and I was
5 quoted by Roy yesterday - in regards to taking the work
6 was it was given to the younger non-native people, most
7 of them were students from the university down in east.
8 It always carried on that way and it still did last
9 year. They had people, young people coming up here,
10 taking the jobs that haven't even been in the bush,
11 that haven't been in a chopper. They have got no -- or
12 just learning, I suppose. The jobs weren't given first
13 to the experienced people.

14 Then back in '87 the card system came in
15 play where they -- I suppose it was in '88, sorry,
16 where you were given a card saying you were qualified
17 in fighting fires. One of the best men that I had was
18 a timber man, a native person, couldn't read or write.
19 I had him as a power saw man. This man was very good,
20 worked like two men and he was two men. He was such a
21 good guy in the bush.

22 Every time I hired out, and I was in
23 charge in '86, I was looking after the Native Auxiliary
24 Program where when there was a big flood of fires
25 automatically they would send me out, being a native

1 person, and going out and talking to the local native
2 groups and saying -- getting them to come in, otherwise
3 they wouldn't have.

4 MNR has a bad history within the reserve,
5 our community, of being aggressive, scaring tactics.
6 Hopefully -- still some communities are still afraid of
7 MNR.

8 As for the jobs, I would say MNR still
9 doesn't hire native people. The only reason why I
10 didn't go back is I decided to work closer with the
11 Band this year.

12 MR. FREIDIN: Sorry, what was that
13 comment? The reason you didn't go back was what?

14 MR. SEYMOUR: I work closely with the
15 Band. I work with the Band.

16 MR. FREIDIN: Thank you.

17 MR. MARTEL: A couple of questions I want
18 to follow-up on. You twice said you went to work and
19 you did your thing and you ignored the remarks with
20 respect to your being native.

21 Could you give me a couple of examples?

22 MR. SEYMOUR: Examples were, mostly the
23 people they see on the street - when I say the people,
24 I mean the younger people coming down east looking at
25 native people with a negative attitude of labeling,

1 stereotyping one native who has a drinking problem and
2 saying across the board they are native, they are all
3 drunks, which is the idea of how they think, which is
4 not in reality true.

5 When somebody were to talk to me, a
6 younger person down east, they would get a different
7 idea and say: Oh, we are all pretty well good, but
8 there is still that stereotype and it's built in by the
9 system, the education system.

10 The education system has a history that
11 is pushed on within the school system. We look at the
12 history of Champlain discovering this side of the
13 boundary. We weren't discovered, we were here, you
14 know.

15 Our philosophy as native is sharing which
16 is stated within the Treaty. We shall share. Our
17 belief within this is, we are part of that nature and
18 nature is part of us. The white man now make parks,
19 provincial parks, federal parks. Why do they do that?
20 To get a way from a system they developed, which is the
21 city. They want to be part that nature too.

22 Our system is, sure we will share, we
23 will share that, but now we look upon and the European
24 people are saying the native people are taking this
25 away and are taking that away. We aren't taking

1 nothing away. We've been sharing and we are not going
2 to share what was not intended to.

3 Within the Treaty, it was our ceremonies
4 that told us how to write it. We didn't write it. We
5 were told how it was. That's why we have one of the
6 longest treaties to settle it.

7 MR. MARTEL: Can I move to a second thing
8 you said. You said scare tactics were used to get you
9 to work at the time of fire I think.

10 MR. SEYMOUR: I said that wrong. I said
11 the scare tactics were put by MNR so native people
12 wouldn't apply.

13 MR. MARTEL: What do you mean by that?

14 MR. SEYMOUR: What I mean by that is the
15 tactics back in the -- well, I would say within the 40s
16 and within the 50s has stopped. Possibly about the 40s
17 people left the native nature people alone, MNR left
18 people alone. There wasn't such an influx as before
19 because Europeans were growing, Europeans were
20 non-Indian people and non-Indians wanted more of the
21 jobs that were supposedly MNR which is Lands and...

22 MR. COLBORNE: I think that would be
23 Lands and Forests.

24 MR. SEYMOUR: Lands and forest.

25 MR. MARTEL: That's not occurring today

1 though, Mr. Seymour?

2 MR. SEYMOUR: A. Well, I look at it as
3 non-Indians getting the jobs not the Native people. As
4 I say, they have two on this year but we should still
5 have a crew.

6 So there should be other communities
7 on -- being able and trained and being able to adapt to
8 the same, the better jobs: The conservation officers,
9 buildings roads, rehabilitation of the roads. There's
10 a system there you have to pass before you even get
11 accepted.

12 MR. COLBORNE: Q. I would like to follow
13 that up just a bit. What is this system that you
14 referred to that you have to go through to become a
15 conservation officer?

16 A. The system is that you have to have a
17 Grade 12 education, meet certain requirements from --
18 requirements, well, there's some of the safety
19 regulations, know the forest or Conservation Act.
20 I always thought you had to know the lake, but now you
21 don't need to, now you've got the maps, so that's okay.

22 Q. Thank you, Mr. Seymour. The next
23 question I have is for Chief Wilson. In the witness
24 statement it refers to the future in terms of the
25 possibility of a lot of worthwhile jobs becoming

1 available as there is more intensive stewardship of the
2 forest estate.

3 And the reason I'm directing this
4 question to you, Chief Wilson, is that I understand
5 that you have just returned from a trip to Finland and
6 one of the subjects that you were examining in that
7 trip was the Finish manner of forest management.

8 Could you tell us a little bit about that
9 just in terms of what you think might be possible in
10 this region in terms of the future for forest
11 management and jobs for Indian people?

12 CHIEF WILSON: A. Okay. In comparison I
13 guess in to the way that we view or manage the
14 resources, I visited both Germany, which is two years
15 ago, visited the Black Forest and saw their management
16 techniques, looking at their value system and how they
17 look at the resource.

18 I went as well -- just came back, if you
19 seen red eyes yesterday that was a good reason because
20 I was on the plane for 22 hours before getting here.

21 In comparison again, unlike Ontario,
22 unlike the way we look at our resources, the resource
23 of the forest resource in both those countries seem to
24 be very sacred and the comparisons I believe I try to
25 use is the comparison of our own Indian philosophies

1 and principles as compared to theirs.

2 Obviously they have used technology to
3 meet some of those expectations and values and et
4 cetera. In Finland the example is that they are not
5 state owned, most of the area is privately owned or
6 corporately owned and various regulations apply to
7 them.

8 The interesting -- in comparison is, the
9 utilization of the resource or the tree itself and not
10 only that, they're looking at what -- prior to looking
11 at the forest they look at what's inside the forest
12 including habitat, water and are very environmentally
13 conscious of -- in their management planning dealing
14 with the forest.

15 So, again, it was something of that was
16 very close to the philosophy that this Board is made of
17 and the philosophy of Treaty 3 and its indigenous
18 habitat.

19 So if we -- I guess what I'm trying to
20 learn from them is, how can we take that technology,
21 how can I apply that same kind of technology using
22 Indian philosophy, the kinds of principles that we
23 share and try and encourage government and industry to
24 follow those same patterns.

25 I know that in Ontario that we're much

1 larger in size, our population is not as demanding
2 as -- and has not had the human input into the belief
3 of saving what you've got and trying to recycle it in a
4 manner that it's going to be sustainable.

5 We also looked at -- in conjunction with
6 that, I also looked at the other possibilities of
7 looking at other kinds of resources such as peat as an
8 example as another form of energy. Again, what happens
9 to peat, green extraction, what can happen to it after
10 and the kind of usage it can produce.

11 I look at these things in terms of the
12 way that the philosophy of this Board and the
13 philosophy of our people and the understanding that
14 we're providing and obviously we have, over the five
15 years, have changed in our principles but not
16 necessarily our philosophies have all have been the
17 same.

18 And I guess the primary reason is being
19 able to take a look at yourself and how you have been
20 able to manage, we have not done a good job in trying
21 to meet those principles, so we change the principles
22 to accommodate our own failures.

23 And I think if we look at our failures,
24 what we consider as failures, and if we looked at the
25 Government of Ontario and the industry of Ontario and

1 if we compared those same values, we're doing pretty
2 good, although we have a long ways to go, and obviously
3 the Ontario government in its wisdom in managing the
4 resource and as well as industry has not been very
5 good. We're on a downhill climb and we have not done a
6 very good job.

7 That doesn't mean that -- that does not
8 mean that we can't start doing a better job for the
9 future.

10 I would like to share with you as well,
11 if I may, on the same topic in looking at the various
12 principles, in comparing them with other countries or
13 comparing them with other people who have had to do it,
14 who had to change their method of management or had to
15 look at technology because it does not have the
16 sustainability as we have here in Canada, I think we
17 take our resources for granted, and hopefully it will
18 recover on its own.

19 We as IFDP under the firm direction of
20 our constituency, which is Treaty 3 and looking at --
21 first of all, looking at the reserve situations that
22 we're in and start to realize that comparing what our
23 reserves were in, the devastation our reserves are in
24 is the same comparison with other countries before they
25 started their management process.

1 So when I look at the 55,000 square miles
2 of Treaty 3, then I think that's where we can apply
3 those management ideas, and I think we have got to
4 learn how to walk before we start running with some of
5 these ideas. I think there is a lot of room to do it
6 in because of the vast area.

7 Some of the areas that I think that we
8 have to, in order to evolve, you've heard the panel
9 here and the witnesses here talk about the capacity to
10 be able to meet some of those and -- or not being able
11 to meet them, or not being able and be given the
12 opportunity to meet some of these demands, and as we
13 import from the cities obviously we have to sit home
14 and draw unemployment or draw welfare.

15 We hope that through our organization
16 that we will be able to access some of these resources
17 to meet those, so that by accessing knowingly that the
18 resources are there, then we can encourage our
19 education system and encourage our communities to start
20 working towards that process.

21 It's not so much educate as to understand
22 the philosophy and to understand the principles that we
23 can build on, so that it will not be only the young
24 student who doesn't know which way it's going from the
25 time it leaves school to what it wants to be, because

1 the way it is, the way the system is right now
2 students -- Indian students do not selectively say I
3 want to be an accountant or I want to be a lawyer, it
4 only fits into the boxes of where private industry
5 allows them to, or where governments allows them to
6 either be a social worker or some young fellow with a
7 college degree that handles the tape and measures the
8 distance from A to B.

9 Hopefully that will no longer be there.
10 Hopefully that we can be seen as an integrate part in
11 the management and the management of the resources from
12 the extraction point. As well as from the
13 rehabilitation of it.

14 I think when we talk about the timber
15 allocations, we have seen and heard some of the
16 examples we have given you that we could not access
17 those timber allocations, although there have been
18 occasions where we've been allowed to have some timber
19 but did not have the resources or the capabilities or
20 the capacity because of the financial restraints and
21 because of the modern technology that needs -- to be
22 able to do it properly.

23 We're hoping that we can equip our people
24 now and the people that surround us as well as to be
25 able share that with the non-Indian community both in

1 private industry and to governments.

2 We also have another two facets that we
3 will also be looking at in conjunction with that, and
4 that's resource management. We have to respect the
5 traditional values of Indian people and try and put the
6 plans accordingly.

7 As I said to you, that if you're looking
8 at a balance sheet, it's not so much what the end
9 result is. If the end result is going to be positive,
10 it's not how you get there, it's that you remain as a
11 positive position, and perhaps maybe that sharing of
12 that knowledge then could come under a community based
13 forest management sector.

14 And there are opportunities I believe
15 that we can have, I believe that industry today now is
16 looking at those possibilities, that we can sit down
17 and not be so fearful of sitting down with each other,
18 because I think Indian people have been viewed as we
19 are the bad apples in the basket because of our
20 different colour or something.

21 So I think that there are -- I don't know
22 if I answered you properly, but I was hoping that I can
23 share some of those with you to at least give you an
24 idea of where we're coming from.

25 Q. Thank you. On a much narrower

1 question, and I don't know if this is too narrow or
2 not, but if you looked ahead 10, 20, 30 years based on
3 what you now know and have recently seen in Europe,
4 what kind of jobs do you see Indian as people doing
5 over that time period in the forest industry?

6 A. Well, in comparison, manually I guess
7 a lot of the -- if we are going to be manual labourers
8 and if that's what government's intent or private
9 industry's intent is, to keep us there, there's a lot
10 of opportunities even in that area, it would probably
11 increase our labour force and a lot more greater.

12 But I do believe that it's -- I think in
13 order for us to be able to plan much more greater in
14 terms of management, in terms of being able to plan
15 long-term planning I think and it's a lot easier for us
16 if we are part of the whole cycle, then we know that we
17 are included in that cycle, we know that we are
18 included in that planning, we know that we can be part
19 of it, then obviously jobs are going to come in,
20 obviously we have a responsibility, and when you have a
21 responsibility you will educate yourself to the manner
22 that you can be effective in, rather you want to be the
23 manager of a forest management unit, or you want to be
24 a technician or you want to be a labourer or if you
25 want to go into private industry, you can be any one of

1 those if you're a part of that circle, and if you allow
2 us to be there, I think we can be of benefit to you.

3 Q. Thank you. My next question has to
4 do with a different subject from the witness statement;
5 and, that is, the subject of the importance of the
6 business provided by the Ojibway population to the
7 Euro-Canadian towns.

8 And I think that Francis Kavanaugh,
9 coming from a community that is right adjacent to --
10 excuse me, from an Ojibway community right adjacent to
11 a Euro-Canadian community and Rocky Seymour in
12 basically the same situation, have something to say
13 about this. So, Mr. Kavanaugh...

14 MR. KAVANAUGH: A. I guess yesterday I
15 alluded to the fact that the tourist industry in the
16 Sioux Narrows area has been on the decline for some
17 years now and certain establishments, you know, begin
18 to feel the impacts of the declining tourists, you
19 know, the clientele that visit establishments such as
20 restaurants, hotels and what not.

21 One case in point is a place they call
22 the Mine Shaft just under the bridge in Sioux Narrows,
23 site of an old mine, it's an actual mine site in the
24 early years. There is a hotel situated there now, you
25 know. I used to drink, that was some number of years

1 ago, and I used to go in there quite a bit and that
2 place used to be packed with tourists, you know,
3 fishermen and what not, or people coming off the
4 highway.

5 Now I walk in there sometimes just to go,
6 you know, chitchat with the proprietors of the hotel
7 and I see nobody there but Whitefish Bay people. So
8 there's an example of Whitefish Bay supporting an
9 establishment which otherwise would have probably slid
10 into the lake a number of years ago without the support
11 from the community.

12 Then another thing I would like to maybe
13 highlight here is, a number of years ago they started
14 talking about a bypass going through the outskirts of
15 Kenora and most recently, in the last few years, there
16 has been a lot of letters of concern to various editors
17 and there has been editorials in the Winnipeg papers,
18 Thunder Bay and, you know, it used to bother me, you
19 know, when I used to read those articles, you know,
20 they're crying they're going to lose this, there's
21 going to be a number of businesses going bankrupt,
22 you know.

23 And I wrote a letter to the editor of the
24 Kenora paper, along I attached one of the articles I
25 clipped out of the paper and I'm pointing out to him

1 that I think the people, the business community of
2 Kenora has to open its eyes to another important
3 industry within the area. You know, typically they say
4 Kenora, Dryden, Fort Frances are one industry towns,
5 that is Boise paper mills and what not.

6 There's another industry, you know, which
7 I can safely say, you know, and it's the second leading
8 Canadian industry in the area is Indian people. You
9 know, you look at a map, you know, just the general
10 proximity of Kenora there's about 12 -- 10 to 12 Indian
11 communities around the Kenora area.

12 And my point is that if you visit most of
13 our communities we don't have no banking facilities, we
14 don't have no laundromats, we don't have any shopping
15 malls, we don't have any grocery stores, although we
16 have small, small establishments but nothing to brag
17 about.

18 So everybody, you know, on thier pay days
19 comes to Kenora. I come to Kenora. And my point here
20 is the multiplier effect of the dollar. See, if I have
21 a thousand bucks, maybe I will put some into my bank,
22 I'll pay some to my payments and what not, or maybe
23 I'll run to the grocery store, pick up \$300 worth of
24 stuff. That \$300 pays for the staff, some of it goes
25 to staff, some pays for inventory and so on down the

1 line.

2 Or maybe I'll go to the barber shop,
3 maybe pay 15 bucks for a wash and a cut. The guy
4 pockets that 15, maybe some of it goes to his
5 utilities, or maybe I'll run down to the beer store and
6 buy a 6six-pack or something.

7 So that money, you know, it's the same
8 money, same colour, and what I pointed out in that
9 letter was, you know, consider for a moment what would
10 happen, like say, if you paid the 10 communities around
11 the area, Indian communities in red \$2 bills you would
12 see how much of that, you know, appears in the tills of
13 Kenora businesses, you know, it would be astronomical,
14 lots of bucks.

15 You hear people on the street laughing at
16 people from some of the communities who have had
17 settlements from mercury pollution, look at these crazy
18 people, they're just freely spending their money.
19 Where is that money going. They come in here, they buy
20 snow machines, they buy boat and motors, you know,
21 that's supporting the economy of the town.

22 On the other side, you know, I also
23 pointed out, you know, opposite to that, consider for a
24 moment what would happen if the 10 surrounding
25 communities were to buoycott Kenora for maybe two pay

1 periods then people -- the businesses of Kenora would
2 feel the pinch, I'm sure of that.

3 There has been -- I've done, you know,
4 like maybe if you're not qualified, you know, just my
5 personal reference is I've compiled datas and stuff
6 like that, you know, just to verify what I'm talking
7 about, you know, these are facts, my own facts I draw
8 my own conclusions, and I say we're the second leading
9 industry in the Kenora area, Indian people basically.

10 Q. Did they publish your letter?

11 A. It was interesting that, you know, I
12 wrote that letter, you know, really I was sending out
13 invitations for comments whether negative pro.

14 You know, I got a lot of good comments,
15 people came, you know, business people came, you know:
16 Francis, you were right and very right, you hit the
17 nail right on the head. There's not one negative
18 response I got. Thank you.

19 Q. Rocky Seymour?

20 MR. SEYMOUR: A. Just to clarify on some
21 of the points that Francis has made. We had a study
22 back in '87 in regards to economic development.
23 Francis mentioned that we are the second biggest
24 business in this area. We, the Native people, tend
25 to -- the old phrase, this money is burning a hole in

1 my pocket, is true with Indian people. We have to -- I
2 don't know why we spend it, you know. Our system is we
3 can't take it with us.

4 But anyways, I mentioned that the fact in
5 '87 we did a study in economic development and some of
6 the money trend. We came up with a figure of
7 16-million grossly that was -- back then was being
8 spent grossly here.

9 Francis mentioned a haircut, I don't need
10 one. You know, I think the business people have to
11 kind of to change some of their attitudes in regards to
12 Native people. And it's an understanding trend, it's
13 an education trend that will take time.

14 You know, we have been here and we are
15 still going to be here no matter what happens. Through
16 the education process we will work, work into having a
17 better understanding of each other.

18 One of the biggest trends I hear from,
19 especially from the Town of Kenora in regards to the
20 policing, Native people are law breakers, Native people
21 are drunks, Native people keep -- one of the biggest
22 issues around here was the cost of the law enforcement,
23 certain statements were said in regards that, you know,
24 some of these Native people or Native communities
25 should input, put money for the law enforcement to help

1 cost their deficit. Well, we are putting in by
2 spending.

3 Q. Thank you. The next topic I wanted
4 to touch on from the witness statement was the
5 reference to Ontario spending large sums of money to
6 litigate concerning Treaty rights, hunting and fishing
7 rights.

8 And, Chief Wilson, I think from your
9 community you can give us at least one example of that
10 and the other witnesses can feel free to give examples
11 if they like.

12 MADAM CHAIR: Mr. Colborne, are you
13 following the witness statement in any respect?

14 MR. COLBORNE: I am proceeding through it
15 in order but I am not attempting to touch on each and
16 every subject, I'm trying to highlight more than deal
17 with each matter, and I just now moved from page 9 to
18 page 10 and I'm asking Chief Wilson about the last
19 sentence in paragraph 23 on page 10.

20 MADAM CHAIR: Thank you.

21 CHIEF WILSON: Sounds like an old Indian
22 trick, eh?

23 Okay. I guess the example I would like
24 to give is that for the last 21 years we've had a fish
25 fry in my community. It sort of celebrates that we do

1 have fishing rights. We share that resource with
2 whomever we deal with and there has been the occasions
3 that we have had up to 600 people attend that fish fry
4 from all walks of life.

5 And it's ironic when you come to the fish
6 fry that the most noticeable who have been intoxicated
7 or just having a good time are the non-Indian people
8 because we, the organizers, have to keep working. I
9 think that's the same statement that Kenora makes too.

10 The one example I guess because of an
11 individual who may be a conservation officer felt it
12 was against regulations, it's against the grain of his
13 beliefs or whatever, take it upon himself to -- and
14 we've had ministers, in fact the fish fry is dedicated
15 to a very important individual I think who has given us
16 the linkage between government and Indian communities
17 and have a better understanding and his name was Cam
18 Currie who used to be with Ministry of Natural
19 Resources, who used to be with Lands & Forests, then
20 Ministry of Natural Resources. That fish fry
21 incidentally is dedicated to him.

22 We've had the occasion where we've had
23 ministers, people from the higher echelons of
24 government and private industry attend our fish fry.

25 As I said, I think that someone within

1 the conservation authority took it upon himself in Lac
2 la Croix and now it's a good idea, I think I'm going to
3 show the rest of the world how wrong these Indians are
4 about fishing, it's against the law, et cetera, and how
5 it was -- and what confounds me is that how it is able
6 to obtain the permission to go to the -- we live on the
7 borders of Minnesota and Ontario, our community is
8 situated right on that -- right on the border, in fact
9 you can -- if you're a good golfer and shoot about 150
10 yards you would be able to knock the ball right over to
11 the other side.

12 As well, I think if one was to look at
13 it, we do have -- we are one of the few communities in
14 Treaty 3 who have a fishing station which allows you to
15 barter and to trade in that given area and it's
16 provided through our Treaty.

17 I'm saying that for a very good reason.
18 I want to come back to it. The individual officers who
19 did the sting operation, I guess you may want to call
20 it, went to the United States and pictured and filmed
21 the activities of the fish fry prior and dreamed the
22 fish fry and I'm sure that there might be some of those
23 pictures may have ministers or some heavy duty
24 bureaucrats or senior people from private industry, but
25 I would think those pictures have been destroyed and

1 only the pictures where it shows the evidence of fish
2 being taken were shown.

3 We went to court over that and we lost.
4 I think over the recent court cases we may bring that
5 back to the court.

6 Again, not understanding the fishing
7 station that we do have through our Treaty a fishing
8 station there which allows us to barter and trade or
9 whatever, and because of your Treaty again we have, do
10 have -- we do have rights and we deliberately have that
11 fish fry the day before fishing season opens. I'm not
12 sure how that magic date has ever been arranged when
13 fishing season opens, but I'm sure that there is a good
14 reason behind it.

15 Again, I often wonder what was the -- in
16 preparation of that whole sting operation, in
17 preparation of that -- those near that litigation, I'm
18 sure cost the governments a lot of money, and I think
19 that in due time I think it will certainly be an
20 embarrassment if we take it back to court.

21 I think that there are individuals
22 within -- who have -- who use the law for their own
23 satisfaction and not necessarily for the satisfaction
24 or may not understand the activities that happen, and I
25 think that, to give you an example, in Ontario or in

1 our government, our previous governments and our
2 previous methods of looking at our resource we have
3 always measured it in terms of saying, okay, and if we
4 have -- if we look at it who really controls our
5 forest, it's either our American friends who bring in
6 their industry here and we as -- and our governments,
7 they allow it without any conditions and give them all
8 kinds of money, and in many cases up to 90 per cent
9 have been given to them in forms of tax breaks or
10 grants or whatever, and at the same time have no plan
11 of rehabilitation to keep that resource in its natural
12 state.

13 But when an Indian does something like:
14 Okay, I have a right, I have a right to fish or I have
15 a right to cut a tree down and it's in my Treaty, it's
16 a different story.

17 The values change. The laws are used to
18 accomodate one's satisfaction and I think that that's
19 what's wrong. In many cases against Indian people, it
20 happens quite often and I think that you can -- if
21 circle your head around you in any given town, any
22 given situation, society, you will find that and I'm
23 sure that you have been faced with that, you have seen
24 it.

25 If that's the question that was asked, I

1 hope I've answered it.

2 Q. Yes. Thanks, Chief Wilson. I did
3 want to follow-up on one part of what you have just
4 said and this is with reference to paragraph 26 in the
5 witness statement. There it says that:

6 "Indians are not part of the network that
7 allocates Crown resources..."

8 And you have mentioned, for example, our
9 American friends who participate in the industry now
10 and so on.

11 You yourself are a player in the timber
12 industry via Manitou Lumber and your other duties so
13 you would be reasonably well located to observe how
14 what is called here the network that makes the
15 allocation decisions work; is that correct? Would I be
16 assuming too much when I say that?

17 A. No, you're not assuming anything.

18 Q. Tell us how it works and whether
19 Indians have any part in it?

20 A. I guess that's the reality of it. I
21 guess, in my view, when industries like Boise Cascade
22 or Canadian Pacific or Great Lakes Paper or Abitibi or
23 any one of the large companies move into an area, and
24 when we look at northwest Ontario, how large and vast
25 it is, and the control of those vast tracts of lands

1 and for them to continue to -- Boise Cascade needs "x"
2 number of units of wood and needs large tracts of land
3 and needs large tracts of lands in doing it, but
4 instead what we do is we allocate the whole doggone
5 country to them. Even though they don't need it for
6 another 75 years, the whole thing -- it seems to me it
7 has been allocated to them in order to go and take a
8 chunk of that, even though they may be the benefactors.

9 There is no consideration, particularly
10 to the Indian country. We have a sawmill where we have
11 to use political pressure to get what little we need
12 and all we need is about 3,000 cords of sawlog material
13 per year. There is a concern that was brought out by
14 the panel up there in saying: Well, if you had 3,000
15 cords to trade I'm sure that the paper mill would
16 provide you with 3,000 cords of sawlog material.

17 Well, first of all, you have to have an
18 allocation in order to get the 3,000 cords of wood. We
19 don't have that and yet they are in our Treaty area.

20 What I can't understand is here we are a
21 government, an Indian government who does not sit with
22 another government to make those allocations. At the
23 same time, industry itself does not recognize that
24 Indian government and does not include them in the
25 discussions in being able to ask and see how do we

1 extract that or how do we use that resource.

2 So we have to go to Natural Resources to
3 ask for permission to extract some resources from our
4 own country, and yet another country can come in here
5 and can be allocated that, where it is given to a
6 foreign investment who doesn't have no particular
7 interest for living here year after year, can walk out
8 of here.

9 Boise Cascade right now is about ready to
10 close this plant down. Ask the people here. When that
11 closes down, ask the people of Kenora what should we
12 have done when that resource has not been rehabilitated
13 to the extent where it is sustainable or at least close
14 to it. Ask them again of these second industries, such
15 as Indian people. Ask them again, what could we have
16 done to keep that growth there or to minimize the
17 devastation that will happen when the town -- when
18 Boise Cascade decides to close its doors.

19 I think those are things that when we
20 look at how the governments have been able to give away
21 everything that we have in our land because every time
22 you give a tree away you are also giving away the
23 habitat that lives around it, the water that surrounds
24 that and the destruction.

25 I think if you look at the contamination

1 of some of our two communities, nobody was thinking
2 about what Ried paper could do as it build its industry
3 here. Yet we are the losers, we the original people of
4 this country are the losers and every one of those
5 moose.

6 Q. Thank you. I want to move forward
7 now to the portion of the witness statement that begins
8 on page 12.

9 MADAM CHAIR: Excuse me, Mr. Colborne. I
10 don't think we have the witness statement as an
11 exhibit.

12 MR. COLBORNE: You're right. We haven't
13 marked it as an exhibit and I would ask that it be so
14 marked.

15 MADAM CHAIR: The witness statement will
16 become Exhibit 1859.

17 ---EXHIBIT NO. 1859: Panel 3 witness statement of
18 Grand Council Treaty No. 3.

19 MR. COLBORNE: Beginning on this page,
20 there are some calculations which I understand were
21 done by Ron Simmons in his capacity as General Manager
22 of IFDP. So I am just going to ask him a few questions
23 so he can lead us through it a bit.

24 Q. If I understand paragraph 30, Mr.
25 Simmons, you have assumed that 100,000 acres of reserve

1 forest could in a better situation than we have now be
2 used to produce wood for the market. Is that basically
3 right?

4 MR. SIMMONS: A. It is just an
5 assumption.

6 Q. Just an assumption?

7 A. Yes.

8 Q. My question is, can you help us at
9 all about how many acres are actually producing wood
10 for the market right now from Indian reserves? Just in
11 approximate or ballpark figures.

12 A. I don't think I can. I can't really
13 give an exact figure; it varies from year to year.
14 Virtually all of the 290,000 acres I guess would be
15 involved, but it would change from year to year.
16 50,000 maybe. I have no idea.

17 Q. Okay. Well, let's just use 50,000
18 recognizing that you are not asserting that that's the
19 correct number.

20 Does that mean then that the amount of
21 utilization on reserve is considerably below what one
22 would expect if one didn't know anything about the
23 history of the forest use?

24 If one just said: Okay, there is 215.9
25 thousand acres out there and it is somewhere in

1 northwestern Ontario and it is mainly forest land,
2 would one be surprised to find that only 50,000 of it
3 was usable?

4 A. If 50,000, the capability is far more
5 than what exists right now.

6 Q. I think we can see from the
7 information in the witness statement and provided
8 elsewhere that there has been a problem of poor
9 management in the past.

10 What I wanted to ask you has to do with
11 the last sentence at the bottom of page 12 where it
12 says -- or excuse me, the last two sentences:

13 "Something is being done, but it is not
14 enough."

15 And then the reference is to the table
16 showing the amount of planting, tending and preparing
17 which is on the following page.

18 My question to you is, could you give us
19 any assistance with what would be enough? How much
20 effort would it take to manage these forests in a
21 manner such that they might return to at least the
22 average quality?

23 A. First of all, we would have to get an
24 accurate inventory of what is out there and what the
25 sustainable levels would be. We don't have that

1 inventory yet; we are working on it.

2 Once we would get that, we could
3 determine what allowable cuts would be and what the
4 potential allowable cuts could be and determine what
5 the levels of silviculture would be from that.

6 Q. Okay.

7 A. Right now we are keeping pace with
8 the backlog and what cutting is going on now, but,
9 like, I said before, the potential is far more than
10 what is happening.

11 Q. Do I understand from what you just
12 said that the situation is no longer getting worse?
13 Would that be one way of putting it?

14 A. We are keeping our head above water,
15 I guess.

16 Q. What would I be right in saying that
17 it would take a lot of money to go back in and repair
18 the damage that was done and just left in past years?

19 A. If you could do it at all.

20 Q. If you could do it at all.

21 A. Yes.

22 Q. I wanted now to go forward to page 14
23 and there is a table there. It's actually in the form
24 of a line graph and the description tells us that
25 that's the pattern in those years for all of Ontario;

1 that is, declining production from the reserve land,
2 increasing production from Crown land and that is
3 production of timber by Indians.

4 My question to you is, from the
5 information you have or which is in the files of IFDP
6 would you say that the pattern is similar in the Treaty
7 3 territory?

8 A. The pattern is similar. I think if
9 you look at Table 7 on page 17, the shift from reserve
10 lands to provincial lands probably took place in the
11 60s rather than 70s.

12 If you look at Table 5, in 1968 there was
13 more cords cut off reserve on licences than there was
14 cut on reserve.

15 Q. Going forward to page 15 of the
16 witness statement.

17 MADAM CHAIR: Excuse me, Mr. Colborne.
18 Have you finished that point? Have you finished
19 questioning Mr. Simmons?

20 MR. COLBORNE: Yes, I have.

21 MADAM CHAIR: Could I ask him something?

22 MR. COLBORNE: Certainly.

23 MADAM CHAIR: Mr. Simmons, has it been
24 your experience -- are you a forester?

25 MR. SIMMONS: I am not a forester.

1 MADAM CHAIR: But you are experienced
2 in --

3 MR. SIMMONS: I am a forest technician
4 actually.

5 MADAM CHAIR: Fine, thank you. I wanted
6 to ask you with that experience, have you seen any
7 natural regeneration on reserve lands?

8 MR. SIMMONS: Occasionally yes, there is
9 some. Nothing substantial, nothing really to talk
10 about.

11 MADAM CHAIR: So the only solution to
12 regenerating those lands is through artificial
13 regeneration?

14 MR. SIMMONS: For most of it. In the
15 stands that remain, natural regeneration would be an
16 option depending on the cutting method. Past cutting
17 methods didn't consider natural regeneration.

18 MADAM CHAIR: All right, thank you.

19 MADAM CHAIR: Mr. Colborne, is this a
20 convenient time for a break?

21 MR. COLBORNE: Actually it would be a
22 convenient time.

23 MADAM CHAIR: Let's take our morning
24 break now.

25 ---Recess at 10:25 a.m.

1 ---On resuming at 11:00 a.m.

2 MADAM CHAIR: Mr. Colborne?

3 MR. COLBORNE: Thank you.

4 Q. Mr. Simmons, I would like you to look
5 at the top of page 15 of the witness statement where it
6 says that by the early 1980s there was very little
7 timber that was being removed or could be removed from
8 the Treaty 3 reserves, very little was left.

9 I believe that you provided that
10 information which ended up in this witness statement.
11 Where did you get that information from?

12 MR. SIMMONS: A. It is just a general
13 impression from the Indian Logging Program files.

14 Q. And you within the Indian Forestry
15 Development Program have inherited the Indian Logging
16 Program files; is that correct?

17 A. I guess so, yes.

18 Q. Have you taken a look -- have you
19 gone through them yourself?

20 A. On occasion, yes.

21 Q. I want to turn to Chief Wilson again.
22 Paragraph 39 of the witness statement on page 15 has
23 some comments attributed to a John McTavish about the
24 problems with the regulations under the Indian Act
25 which apply to on-reserve forests and I believe, Chief

1 Wilson, that there are steps taken right now to amend
2 those regulations.

3 Could you just tell us briefly what those
4 steps are and, if possible, when it is likely that
5 there are going to be new regulations in place?

6 CHIEF WILSON: A. Okay. As a result of
7 John McTavish's study, once it was commissioned by the
8 Department of Indian Affairs, selectively he went to
9 various people across the country. Maybe not
10 necessarily the kind of random sampling that would have
11 been appreciated by Indian country or give a brighter
12 picture to the rest of the country.

13 As a result of that report, it was not
14 accepted very well by Indian country, although Indian
15 country did very well know that the Indian Act
16 certainly was a piece of legislation that prevented us
17 or restricting us of getting involved much more readily
18 in the forest industry. As well, I think that McTavish
19 did not -- was not very explicit in the fiduciary
20 responsibility of the federal government on Indian
21 lands.

22 As a result, though, I think that we can
23 appreciate the report to the extent it has brought the
24 attention to Indian country and to government the need
25 to change -- to make some legislative change in order

1 to face the year 2,000 and beyond.

2 At the moment, right now, and it was part
3 of the throne speech, the last federal throne speech,
4 that there will be an organized system and we as the
5 Aboriginal Forest Association will be taking on the
6 task of going through the country and visiting each
7 community and try to understand the kinds of problems
8 they have with the Indian Act in regards to forests.
9 Not necessarily forestry, but forests.

10 Our work -- and I would like to elaborate
11 a lot on that in the future, if I can. I don't have
12 the full details in front of me now. There is some
13 copying being done, but given the opportunity later I
14 may be able to go a little deeper into what it is. It
15 would take us some time to do it.

16 To give you some of the illustrations of
17 why -- as an example. Recently, the Indian Forestry
18 Associate of B.C. went through lands revenue trust, a
19 consultation process in British Columbia. As a result
20 of that, the findings of that, they certainly have
21 indicated that the legislation under the Indian Act for
22 forests was certainly restrictive and was outdated and
23 does not allow to coincide with provincial regulations
24 and et cetera or does not complement the protection of
25 forests or the extraction of forests.

1 So hopefully with the Sioux NAFA we will
2 be involved in the nine -- the ten provinces and the
3 two territories. We are going to split it up in two
4 areas; one in the east and one in the west, and I
5 believe that the Indian Forestry Program here in
6 Ontario of this group here will be very instrumental in
7 taking it on from the Manitoba border and going east
8 from there. The reason for that is because we are
9 quite involved in the forest sector in Ontario.
10 Obviously, I think that we have sort of a coalition
11 with the Quebec people and under the James Bay 2
12 agreement it certainly gives us that ammunition to be
13 able to be more extensive in the legislative changes
14 and the movements of it.

15 As well, maybe I can advise you that we
16 have now formalized a coalition between the Latin and
17 the North American *8indigenous people. We are also in
18 the process of preparing the World Confernce of 1992 in
19 Brazil. We are developing another type of coalition of
20 indigenous people of the world. Hopefully that we can
21 go beyond 1992 as a result of that coalition. So I
22 think you will be hearing a lot from Indian country in
23 regards to forests.

24 MADAM CHAIR: Excuse me, Chief Wilson.
25 On the question of the trust held by Indian affairs for

1 your people with respect to stumpage and perhaps there
2 are other revenues, I don't know, paid into those
3 trusts accruing to the timber resource, evidence that
4 we heard from the first panel by the ethnohistorians,
5 Mr. Waisberg and Mr. Holzkamm, one piece of evidence we
6 heard was that prior to 1950 Indian Bands had no say
7 whatsoever in dispersing those trusts, the money in
8 trust, and that in fact that money was sometimes spent
9 on things like administration of the Indian Affairs
10 Department as opposed to going back and being spent the
11 way the Bands wanted it to be spent.

12 I guess I have two questions. First of
13 all, presumably if you don't have many timber resources
14 left on your lands you are not getting very much money
15 for stumpage, but money -- any of that money that does
16 go into trust, are you able to use it as you see fit?

17 CHIEF WILSON: It is designated for
18 Indian use. To try and obtain it, there is an
19 extensive process through it. There are two types of
20 revenues held by Indian Affairs under the trusteeship
21 and one is trust money, the other is revenue, okay.

22 If it is under trust revenue, then you
23 have to have referendums in your community to access
24 that money which is yours. I have a similar case in my
25 family; I have to have a referendum with my wife.

1 I think that in many cases, particularly
2 with the northern communities who are not familiar with
3 the administration of Indian Affairs and their own
4 administration and their own rights to their own
5 resources, they are not still not being utilized to
6 that effect. I think there are court cases now that is
7 questioning how Indian Affairs has spent that money and
8 some of it has been spent and taken out and there is no
9 accountability to those monies.

10 Now, when we -- some of the communities
11 now, they may use the money from stumpage after it gets
12 to Ottawa and it takes about 90 days to make that cycle
13 from the time it leaves the purchaser to the time it
14 arrives into your trust fund.

15 I think I would like to as well provide
16 another example. Now, in the responsibility that
17 Indian Affairs looks upon will only use the stumpage
18 monies to -- as an example. If you are only paying
19 stumpage of \$5.00, I am using this is as an example,
20 then how do you rehabilitate that tree for \$5.00.

21 Now, in your provincial systems the
22 stumpage certainly does not pay for that. It is from
23 other forms of taxation that supplements the
24 rehabilitation of the forest, of that tree.

25 So unlike on reserves, consequently

1 that's why the devastation. So it has only been
2 recently that we have able to access resources through
3 the COFRDA which was sunsetted last year and hopefully
4 under another FRDA agreement will include a good
5 portion or at least a portion for Indian country.

6 The FRDA agreement had been signed
7 recently in B.C., New Brunswick signed it a year ago
8 which is only a three-year program, but I think as well
9 we had NAFA working towards administering that total
10 FRDA program, Indian FRDA program right across the
11 country and hopefully we can demonstrate that we can
12 provide that service.

13 MR. MARTEL: Have you attempted to enter
14 into any type of agreement with the province for
15 funding for regeneration?

16 CHIEF WILSON: The province up to now
17 have not looked at access the resources on federal
18 lands with Indian reserves.

19 Now, there are examples right now in
20 Ontario which has been just recent in Ontario, people
21 are the benefactors of federal timber. Is there a
22 difference in colour, federal timber, provincial timber
23 and Indian timber? I don't think so.

24 MR. MARTEL: The thing that I'm concerned
25 about, there's only one consolidated revenue fund in

1 Ontario and whether the funds for regeneration come
2 from the same consolidated revenue fund and I was just
3 wondering why you haven't been able to tap into that,
4 and you're saying it's simply because you're on what's
5 considered federal lands?

6 CHIEF WILSON: Exactly.

7 MADAM CHAIR: Mr. Colborne?

8 MR. COLBORNE: Maybe just to follow up on
9 that a bit, this is for Mr. Simmons.

10 I had intended to really skip this point
11 because it will be dealt with by the economists who
12 will be here as Panel 4, but Mr. Simmons I know also
13 had a contribution on this point when the evidence was
14 being assembled and I'm referring to paragraph 37 on
15 page 15; and, that is, the idea or the proposition that
16 because Indians get only stumpage, that the revenues
17 that are generated in the further processing and so on
18 and taxation that goes with that of the wood accrues to
19 the provincial government.

20 Q. Now, Mr. Simmons I think you're the
21 first one who brought that to my attention. How did
22 that become evident to you in your position with IFDP,
23 how did that observation occur to you, because to me
24 and I think to some others it was a bit of a revelation
25 to see that -- well, as it's expressed here:

1 "The Indians with their wood have been
2 subsidizing the Government of Ontario."

3 And, of course, the pot we're talking
4 about there is the consolidated revenue fund of the
5 province that Mr. Martel referred to.

6 So how did it come to your attention this
7 very surprising fact?

8 MR. SIMMONS: A. Well, I don't remember
9 exactly. Probably because even if the stumpage from
10 Indian lands did go back into forest management it
11 wouldn't even be close to what was needed or the amount
12 that was needed, and looking at the province I think
13 stumpage subsidizes forest management to about 40 per
14 cent, and that remainder comes from taxes from income
15 taxes, value added.

16 Q. So does it make logical sense to you
17 that if the consolidated revenue fund of the province
18 is receiving funds from wood taken from Indian lands
19 that that same pot should be the source for funds to
20 pay for regeneration or at least some?

21 A. I would think that the province has a
22 stake in it, yes. The more wood from Indian lands the
23 more taxes and revenue the Province would get.

24 Q. I'm going to go now to paragraph 38.
25 I was going to skip this one as well, but it seems to

1 fit this point that has now entered the discussion.

2 Mr. Simmons, I think you're the one who
3 is the source of the observation that:

4 "In the past...", although probably not
5 at the present time:

6 "In the past the province did not take
7 into account wood supply from Indian
8 reserves in calculating wood supply."

9 How did that information come to your
10 attention and from where did that information come?

11 A. Well, assuming that the province uses
12 their forest resource inventory as a database to
13 establish wood supply, up until 1982 most reserves in
14 Treaty 3 weren't included in that forest resource
15 inventory, except for the Fort Frances District, they
16 were. We would get the maps with the forest typing on
17 them and the reserves would be blank with nothing on
18 them.

19 Q. Do you have any idea of why that was
20 the case?

21 A. I don't know, maybe they just weren't
22 asked. We asked in 1982 and they did it then. It
23 probably has to do with jurisdiction of federal lands
24 and provincial lands.

25 Q. Another question for you, Mr.

1 Simmons. At the top of page 16 the paragraph there
2 refers to:

3 "The Department of Indian Affairs not
4 getting into forward-looking attitudes
5 with respect to silviculture in the same
6 era that the province did."

7 And I'm not sure, but maybe this witness
8 statement is saying that the Department of Indian
9 Affairs never did, or at least up until now.

10 And I think you were the person who
11 secured the information that wound up in this witness
12 statement in this paragraph. So my question to you is:
13 Where did that information come from?

14 A. Well, from the fact that we have no
15 records or very few record of plantations in the 50s
16 and 60s. There's records of cutting but not too many
17 records of restocking, regeneration. It did pick up in
18 the 70s -- late 70s.

19 Q. And in the 50s and 60s was there
20 regeneration being done on provincial Crown land?

21 A. I believe so, yes.

22 Q. Paragraph 41 talks about the heavy
23 logging activity on the Treaty 3 reserves in the 60s
24 and 70s. What is the source of that? What's the
25 source of that information?

1 A. That would be Indian logging program
2 files as well. Heavy logging is probably relative.
3 I'm sure in the 40s and 50s it was far heavier, we just
4 don't have any record of it.

5 Q. Paragraph 41 refers to -- sorry, the
6 latter part of paragraph 41, to the fact that:

7 "Today there is almost no on-reserve
8 logging and that most Indian logging
9 takes place on provincial Crown lands."

10 And the last words are:

11 "Only a few are able to operate with any
12 degree of ongoing success."

13 I believe that your office, Mr. Simmons,
14 was the basis for this comment as well. So could you
15 expand on that. What would be the factors that have
16 led to this change from the 60s and 70s when there was
17 a fair amount of logging and the present day when there
18 is very little?

19 A. Well, most of the accessible stands
20 have been logged and the species have shifted from
21 spruce and pine to poplar and other hardwoods.

22 I should point out there is more logging
23 today for poplar and other hardwoods, that's because of
24 that change in the market situation.

25 With regards to operating without any

1 degree of ongoing success, most operations on Crown
2 fairly small, 1,500 cords, and it's difficult to
3 finance such an operation, to buy the equipment and
4 what not and make money at the same time for more than,
5 you know, one or two years in a row, it's -- the size
6 of the licences aren't large enough for ongoing
7 success.

8 Q. Do you know if there are non-Indian
9 licences of similar size, similar small size which are
10 the basis for successful long-term operations, or do
11 you have that information?

12 A. I don't know. Possibly because the
13 non-Indian are owner-operated with only, say, two
14 people; where the Indian operations try to employ more
15 people, it's more labour intensive.

16 Q. In paragraph 42 there's a reference
17 to the shift in the species of trees following logging.

18 Could you just give us a typical
19 description. It says here:

20 "...from the valuable softwood to low
21 value hardwood."

22 But perhaps just a little more detail.
23 If there is such a thing as a typical section of a
24 typical reserve, what was it like in the past and what
25 is it like now in terms of species?

1 A. Animal species, I'm not really sure.

2 Q. Oh no, I'm sorry, the trees first.

3 A. Tree species. Well, spruce and
4 pine -- mature spruce and pine I presume if you cut
5 that down it grows back into poplar or birch.

6 Q. And have you seen a lot of these
7 stands yourself?

8 A. Yes.

9 Q. And part of your job is to actually
10 go out and observe the wood that is actually available
11 on the reserves?

12 A. Yes.

13 Q. Go ahead.

14 A. There is a natural shift in animal
15 species as well, different types of forests support
16 different types of species.

17 Q. Okay. What have you seen there in
18 terms of change in animal species?

19 A. Like I say, I haven't been around
20 that long, but I'm sure there's a lot more deer around
21 but, then again, there's probably fewer porcupine or
22 fisher or marten and animals of that nature.

23 Q. I am turning now to page 17 of the
24 witness statement and there we have the table which
25 sets out data from the late 60s and early 70s

1 concerning Indian woods employment.

2 And I did my own little additions of the
3 men employed lines for each of those years, and it
4 seems to me that it was up as high as 499 men in
5 1970-71; that is, when one totals men working
6 on-reserve, men working off-reserve under Indian
7 licences and men working off-reserve under non-Indian
8 licences 499 was the highest, but in other years it was
9 also high.

10 Would I be correct though in assuming
11 that those would mostly be seasonal jobs, if not all?
12 Would that be your understanding, any of the witnesses?

13 A. I would think so, yes.

14 Q. Okay. Now, if one goes on to the
15 next page at the top of page 18 it says that:

16 "The present exhibits a drastic reduction
17 from these figures."

18 And what I would like to do is, in the
19 case of each of the members of an Ojibway community on
20 the witness panel, if you could just quickly give me an
21 idea of how many of your members works in the forest
22 industry either on-reserve cutting, off-reserve
23 cutting, under Indian licence or off-reserve working
24 for a non-Indian licensee, and it doesn't have to be
25 just cutting, of course, yarding, driving truck and so

1 on would be included in this.

2 Mr. Watts, can you give us a rough number
3 from your community?

4 MR. WATTS: A. That are involved in wood
5 cutting?

6 Q. Yes.

7 A. Peak periods, which is winter time,
8 there would be around 10, 12 people working.

9 Q. Mr. Carpenter?

10 MR. CARPENTER: A. Up until recently I
11 think there's only - I'm just trying to think here - I
12 think there's only one active worker in the forest
13 industry at the present day in the woods for Great
14 Lakes.

15 Q. Mr. Wilson?

16 CHIEF WILSON: A. Well, it's ironic that
17 we are in the sawmill business but we only have about
18 one and a half person years wood cutting or cutting of
19 pulp wood and on-reserve, we don't have any
20 off-reserve.

21 Q. Mr. Kavanaugh.

22 MR. KAVANAUGH: A. There's none.

23 Q. Mr. Seymour?

24 MR. SEYMOUR: A. We have -- it's family
25 operated. Within the band there's basically probably

1 four, that varies from year to year, it's not a yearly
2 thing. I would say basically about every three years
3 they will give the family permission to go and cut and
4 sell wood to one of the local contractors.

5 Q. Mr. Simmons, I think once again your
6 office was the source of the statement that appears at
7 the top of page 18; that is, that:

8 "The present exhibits a drastic
9 reduction."

10 I've asked the individual witnesses for
11 the situation on their home reserves. Of course, that
12 doesn't cover all the Treaty 3 area. So what is the
13 basis for this generalization that it's been a drastic
14 reduction up to the present time?

15 MR. SIMMONS: A. Well, our observations
16 from the field that the cutting that does take place
17 on-reserve usually is 100, 150 cords here and there.
18 There has been a couple of situations where it's a up
19 over a thousand or two thousand, but that happens every
20 couple of years or so.

21 Q. I want to move forward to page 20,
22 paragraph 54. This has to do with IFDP, so I'll direct
23 this question to any one of the witnesses.

24 It says there that:

25 "Since 1985 the work of IFDP has been

1 concentrating mainly on forest
2 management on-reserve."

3 I take it that prior to that there was
4 work done with respect to Indian participation in the
5 forest industry off-reserve. What's the reason for the
6 shift to sort of a narrower focus in 1985 and
7 thereafter?

8 A. Well, prior to 1985 the IFDP was
9 called the Indian Logging Program and it was
10 essentially an MNR program and it was directed at MNR
11 the priorities which were in the operations off-reserve
12 on Crown lands.

13 Q. And since 1985, I take it it's no
14 longer essentially an MNR program?

15 A. No, it was funded through Indian
16 Affairs for several years.

17 Q. And the reserves being federal land,
18 this is what you're saying, that the focus naturally
19 shifted to that area of jurisdiction?

20 A. (nodding affirmatively)

21 CHIEF WILSON: A. Maybe I could add to
22 that. Again, since 1985 the IFDP has been struggling,
23 we have spent a good deal of time lobbying for
24 resources from one year to year and, of course, 1990
25 and 91 was no exception, we spent a great deal of time

1 and energy in trying to lobby for resources so that we
2 can continue the activities of IFDP.

3 Up until just a few -- up to the 11th
4 hour I guess of this year where the federal government
5 has limited itself to what we could receive, and
6 obviously we could not achieve, we were prepared to
7 close the doors of IFDP this year because of the
8 anti-recession dollars which does not give us any
9 future, but it has provided us with the resources to be
10 able to be active for 91-92, but we still don't see any
11 future ahead of us, there's no light at the end of the
12 tunnel.

13 We're hoping that because of the mandate
14 we have been able to receive from Treaty 3 where we
15 will be looking at the 55,000 square miles instead of
16 just the federal lands, that we will encourage and at
17 least give enough evidence that we can, taken our
18 experience and et cetera, and taken the attitude of the
19 new government, that we will be active off the reserve
20 within the Treaty 3 territory.

21 MADAM CHAIR: Excuse me, could I have a
22 clarification, Chief Wilson. The 55,000 square miles
23 you're talking about includes land both on-reserve and
24 off-reserve to which you feel you're entitled?

25 CHIEF WILSON: Yes, it's the Treaty area

1 of Treaty 3, the Treaty territory of Treaty 3.

2 MADAM CHAIR: Right. And could I also
3 ask another question. What you've told the Board is
4 that on the present reserve land you have now,
5 excluding any lands which you claim, just the lands
6 that you have now within your borders, those lands have
7 been logged out, for many years to come you expect
8 no -- very little logging to take place on those lands
9 and the emphasis is on regeneration?

10 CHIEF WILSON: That's correct.

11 MADAM CHAIR: Are there any significant
12 wood supplies on those lands that might be commercial
13 if you could afford access to them, or...

14 CHIEF WILSON: I guess the Lac Seul Band
15 is one instant that could happen, yes. We are
16 preparing the management plans now for that band. It
17 does have -- it does show signs of potential there.

18 MADAM CHAIR: Okay. But that is not a
19 common situation in a reserve?

20 CHIEF WILSON: No, it certainly isn't.

21 MADAM CHAIR: So you're saying if your
22 bands are going to have any participation in forest
23 economics, you're going to have to go off the currently
24 designated reserve lands?

25 CHIEF WILSON: Yes.

1 MADAM CHAIR: Thank you.

2 MR. MARTEL: Tell me, you were supposed
3 to get agricultural land, I think it was said,
4 certainly it was part of -- people believed with the
5 Treaty they were going to get good arable land.

6 How much of the land that is now held by
7 the Indian people in fact could be termed good arable
8 land?

9 CHIEF WILSON: Okay. The Rainy River
10 Band where I come from is probably the only band that
11 has tried agricultural activities and because it's such
12 a small land base of agricultural land it wasn't
13 feasible.

14 All you have to do is look at our
15 financial statements and it will give you our reasons
16 behind that. There might be two reasons; one is not
17 being a good farmer, and the other one was that even
18 though you pour the money into the land it does not
19 become an asset because it's federal lands.

20 We have poured a lot of money into the
21 land, in rehabilitation of agricultural land, but it
22 does not become an asset on your balance sheet because
23 it is under the trusteeship of federal government.

24 Unlike your own private lands, if you
25 have worked the land to the extent of where you can

1 grow or produce something out of it, then it becomes an
2 asset and has an asset life of 20 years or 25 years to
3 it.

4 MR. MARTEL: That's for accounting
5 purposes, I think. But how much of it is --

6 CHIEF WILSON: Well, what I'm --

7 MR. MARTEL: I guess what I'm trying to
8 get at, Chief Wilson, is: Is there any land that you
9 have where in fact Indian people could make a decent
10 form of living from agriculture?

11 CHIEF WILSON: Well, no.

12 MR. COLBORNE: Q. Maybe I should ask
13 Chief Wilson to speak of the reserves along the Rainy
14 River that were taken for agricultural purposes.

15 CHIEF WILSON: A. Okay. We are now
16 going through the land claim process where we have had
17 seven communities who have been forced to amalgamate to
18 one community and that's to the Manitou Reserve and
19 that's all along the Rainy River from Fort Frances to
20 the mouth of Lake of the Woods.

21 Because of demand at that time from the
22 settlers of agricultural land which we had access to
23 and which we were living on that was considered as good
24 agricultural land, we were forced off of those lands
25 into one community called the Manitou Reserve.

1 Yes, at one time that was our whole life
2 cycle was, part of it was in agriculture, a lot of it
3 was in fishing and working in the forest.

4 There are examples by historians and
5 through the archives to illustrate the forceable
6 removal of people. In one case there was a person that
7 was tied up and brought to Manitou from the Long Sault
8 Reserve and was told if you ever go back we'll shoot
9 you.

10

11 MR. COLBORNE: Mr. Martel, there's a
12 witness who I hope will be before us tomorrow, his name
13 is Don Jones, he's also a member of the Board of
14 Directors of IFDP. He couldn't be here because he is
15 attending a meeting of the forestry ministers.

16 CHIEF WILSON: He's representing me
17 there. I am part of the Canadian Council of Forest
18 Ministers and we are having strategy meetings across
19 the country, and the second one is now happening in
20 Toronto with all the interest groups.

21 MR. COLBORNE: And Mr. Jones is also a
22 person who has a lot of information about matters of
23 the type that are the subject of your question because
24 he has been a director of a Treaty research program for
25 several years.

1 So if he's here tomorrow, and I believe
2 he will be, I will try to remember to ask that question
3 of him, and I think he can give you quite a lot of
4 information in a general way; whereas these witnesses
5 could pretty well only tell you about their own
6 communities.

7 MR. KAVANAUGH: Could I maybe add a
8 little bit to it?

9 MR. COLBORNE: Q. Certainly.

10 MR. KAVANAUGH: A. I used to work in
11 Treaty research on Treaty 3 and that question about
12 agriculture on Indian reserves, in particular the case
13 at Manitou, the Rainy River land claim, one of the
14 conditions set out by Ontario in 1915 was that - it's
15 dealing with recognition of Indian reserves in the
16 province - one of the conditions was that these Indians
17 living along the Rainy River give up their lands, their
18 land base, that was one of the conditions before
19 Ontario would officially recognize Indian reserves.
20 That was back in 1915.

21 And my Dad, uncles, great grandfathers
22 were part of those reserves. What took place when they
23 finally gave in was people were herded like cows and
24 sort of forced into living at Manitou, much like
25 herding cattle into a corral.

1 So what took place was some people didn't
2 like that arrangement. Like, my father, my uncles
3 ended up in the Dryden area because they didn't like
4 the idea of being put into a real small community about
5 a couple of miles square or three miles square, and
6 basically why they were forced to vacate their land was
7 to make room for the Euro-Canadians that were
8 emigrating into Canada.

9 That's the extent. Thanks.

10 MR. SEYMOUR: A. In regards to our
11 agricultural, Lake of the Woods, strictly Rat Portage,
12 we were quite self-sufficient and we had a lot of
13 gardens within the islands out here. One of the main
14 ones is Sultana, we had a big garden over there and
15 when they built the dams everything was all flooded
16 out, our traditional areas were under water. The dams
17 came up and then all of a sudden we became islands, the
18 Sultana island being one of them, the richest gold mine
19 in the northwestern Ontario in early 1900s. We had
20 gardens up there and then as soon as gold was found,
21 everything has changed.

22 Q. There was a reference to the tenuous
23 situation of IFDP by Chief Wilson. Paragraph 59 of the
24 witness statement refers to the term band-aid in
25 connection with the availability of funds in regard to

1 forestry.

2 Is anyone here able to tell us, does
3 paragraph 59 still apply in 1991? Is it still a
4 situation that whether or not there's funds available
5 for forestry depends on - what does it say here - when
6 funds become available or a particular band applies
7 political pressure?

8 MR. SIMMONS: A. That statement applies
9 more or less to when the actual operations are being
10 funded by Indian Affairs, the tree planting, the
11 tending and all that. Now funds for that comes through
12 the Canadian Ontario Forest Resources Development
13 Agreement and in that respect the funds are more
14 stable.

15 The agreements are five-year agreements
16 and we have utilized COFDRA in the last five years and
17 that funds for the operations are more stable. Funds
18 for the IFDP are probably less stable than they have
19 ever been right now.

20 Q. Turning to page 21, and here we have
21 a list of six points which are identified in the
22 witness statement as being forestry issues facing
23 Indians.

24 I was going to direct this question to
25 Chief Wilson, but -- well, I will direct this question

1 to Chief Wilson and I would ask that the other
2 witnesses, though, feel free to add their own
3 contribution.

4 The question in regard to the points on
5 page 21 is, what is the status of these points or
6 identified issues in terms of policy, let's say, of
7 IFDP? Do these have any formal status or how would you
8 describe them?

9 CHIEF WILSON: A. Can I refer to our
10 manual?

11 Q. Certainly. Recently the Board had
12 been going through workshops to have it clear what our
13 philosophy is and what our principles are and start
14 developing the strategies to it. We are going through
15 sort of a reorganization of IFDP.

16 One is that we will be incorporated; two
17 is that we will be operating within the Treaty 3
18 territory.

19 The four points that I have pointed out
20 before in us dealing with access to resources,
21 allocation of timber, resource management and the
22 possibility of community forest management. Those are
23 the four areas.

24 The points that you see there was sort of
25 the wish list, I guess, but we have now changed it

1 around to sort of get a strategic plan out of it. We
2 are still going through that process of the
3 understanding where and how do we achieve that.

4 One is that we have to have a sustainable
5 operation. One is that we will continue doing the kind
6 of work we are going on reserves, and that's the
7 rehabilitation of the communities to silviculture
8 planning and forest management planning, as well as
9 timber management planning.

10 We have extended our services now to do
11 extensive service such as going to schools, talking to
12 communities, having community meetings and trying to
13 get a handle and understand where Indian country is at
14 in those areas so that we can apply that now to the
15 whole Treaty 3 territory.

16 If I may, I can probably give you some of
17 sort of the A, B, Cs, 1, 2, 3s of where we are hoping
18 we are going to be, if that's okay.

19 Q. Certainly.

20 A. Okay. The purpose is very simple and
21 we try and keep it to the kid's attitude toward it,
22 keep it simple and stupid, whichever comes first.

23 One is to assist First Nations in
24 corporations or individuals acquiring access to
25 off-reserve forest resources; two, is assist First

1 Nations development and implementation on-reserve
2 forest management, particularly harvesting regulations
3 on reserve.

4 Develop and implement a long range forest
5 strategy for the reserves in the Treaty 3 area; four,
6 assist Indian First Nations in improving quality of
7 their reserve forest resource through development and
8 implementing appropriate forest management practices,
9 procedures and policies that are consistent with proper
10 forest management and Band philosophies and goals.

11 Five, actively promote forest education
12 opportunities to Bands, tribal council schools and
13 individuals; six, assist forest training needs and
14 implement appropriate mechanism to develop and train
15 Indian forest management professionals; seven,
16 establish training programs in support of Band field
17 crew direction in the technical aspects of silviculture
18 procedures.

19 Eight, develop and implement public
20 relations plan in which IFDP activity is regularly
21 reported to First Nations and tribe councils. This
22 could include the preparation of newsletters,
23 brochures, video presentations and news releases.

24 Nine, provide assistance to First Nations
25 Indian corporations or individuals in developing,

1 establishing and maintaining forest and forestry
2 related businesses; ten, the structure of IFDP must
3 continue to effect First Nation representation at the
4 decision making level.

5 Eleven, directly establish and maintain
6 forest businesses for the primary purpose of generating
7 revenue; twelve, establish information network with
8 other Indian forest groups on a provincial, national
9 scale and particularly the provincial and federal
10 governments and industry forest initiatives.

11 Those are sort of the wish list and we
12 are preparing now the strategies to accommodate that
13 and to accomplish that.

14 Obviously, we will need to talk to
15 government officials at both federal and provincial
16 levels. We will be talking to industry, we will be
17 talking to IWIA, we will be talking to whomever can
18 assist or understand where we are going and where we
19 are coming from.

20 We are in the process next week on
21 signing an agreement with the federal government. It
22 is a national human resource strategy which will allow
23 provincial participation. We have now submitted a
24 proposal to the Ontario government where that can
25 happen.

1 We have -- I guess through IFDP we have
2 submitted oodles and oodles and piles and piles of
3 paper. I think we are a contributor now to the
4 mountains of paper that we are not accustomed to, but
5 at least I think there are numerous ideas in how to do
6 it and I think that we are learning from you and how
7 you do business with paper. We use paper for a
8 different reason, but we can flush that.

9 Q. Chief, you have used the term wish
10 list a couple of times both in reference to the items
11 here in paragraph 61 and to the objectives that you
12 read to us.

13 Do I take it from that that these are in
14 the process of evolution right now, that you are
15 working on them practically on a day-to-day basis?

16 A. Yes, there are three things that has
17 to happen. One is there has to be a legislation change
18 to be able to activate many of those things, but many
19 things don't need legislation change. The other thing
20 is policy changes that has to happen within government
21 and there has been to be a relationship created between
22 industry, the public sector itself and the governments.

23 Q. Thank you.

24 MR. COLBORNE: That concludes my
25 questions for this panel.

1 Madam Chairman, I undertook to provide
2 more copies of Exhibit 1857 and I will provide those
3 now.

4 MADAM CHAIR: Thank you, Mr. Colborne.

5 Mr. Colborne, we will break for lunch I
6 think before we begin Mr. Freidin's cross-examination.

7 MS. GILLESPIE: I am going to have some
8 questions, but it may go quicker if you break for lunch
9 first, Madam Chair.

10 MADAM CHAIR: Mr. Freidin, how long are
11 you going to be in cross-examination?

12 MR. FREIDIN: Let me just say I think we
13 will finish this afternoon. I am still thinking around
14 the two-hour mark.

15 MADAM CHAIR: All right, thank you.

16 Mr. Colborne, do you have an idea what
17 the schedule will be tomorrow with respect to the
18 witnesses?

19 MR. COLBORNE: I am going to be busily on
20 the phone during our lunch break, but I expect I will
21 be beginning Panel 3. In fact, I know I will be
22 beginning Panel 3. The only thing I don't know is
23 whether I will have available a full day of evidence or
24 not simply because we have been moving along a little
25 faster than I had anticipated.

1 MADAM CHAIR: All right. Thank you, Mr.
2 Colborne. We will be back at 1:30 then.

3 ---Recess at 11:50 a.m.

4 ---On resuming at 12:40 p.m.

5 MADAM CHAIR: Are we ready to begin, Ms.
6 Gillespie? Go ahead.

7 MS. GILLESPIE: Yes, Madam Chair. First
8 I would like to file with the Board the Ministry of the
9 Environment interrogatories and the Grand Council
10 Treaty No. 3 replies to this panel.

11 MADAM CHAIR: Thank you.

12 MS. GILLESPIE: My name is Nora Gillespie
13 and I am a lawyer for the Ministry of the ENVIRONMENT
14 at this hearing. I just have a few questions for you
15 with respect to your experience with reserve forests
16 and the Indian Forestry Development Program.

17 CROSS-EXAMINATION BY MS. GILLESPIE:

18 Q. I understood from your evidence this
19 morning, Chief Wilson, you and the other members of the
20 panel have told us that the Treaty 3 reserve forests
21 have been badly damaged by poor forestry practices in
22 the past. Is that correct, that understanding?

23 CHIEF WILSON: A. Yes.

24 Q. When you refer to poor practices or
25 mismanagement of the forest resource, are you referring

1 to unrestricted harvesting?

2 A. No. Part of it is to the trust
3 responsibility of the federal government which in this
4 case is under Indian Affairs.

5 As a trustee and we, the Indian people
6 living on federal lands, have no real control on those
7 lands. So, consequently, policies or legislation,
8 Indian legislation on reserves has not been something
9 that's been practised widely, although it is something
10 that we are working towards. I mentioned to you some
11 legislative change and what was mentioned in the throne
12 speech.

13 Q. When you talk about poor practices in
14 the past that led to the damage that's been discussed
15 this morning, you are talking about really a lack of
16 planning and rehabilitation activity in the forest on
17 the reserves at a time when it was beyond the
18 community's control?

19 A. That's correct. As well, it was -- I
20 guess it's a matter of survival to some of the
21 community members which needed the wood to survive and
22 there was really no policies or any method of being
23 able to plan or any resources to rehabilitation in the
24 event of extraction.

25 Q. Is it fair to say that the Indian

1 Forestry Development Program is really a response to a
2 recognition of the need for operational planning, long
3 term and short term?

4 A. It is the instrument.

5 Q. One of the purposes of the Indian
6 Forestry Development Program is to develop resource
7 management plans?

8 A. Yes.

9 Q. And I understand that you have some
10 experience developing forest resource management plans
11 for Treaty 3 communities?

12 A. Yes.

13 Q. I would like to explore a few of the
14 basic elements of the plans that you have been
15 developing with you.

16 Can you -- well, to go back one step. I
17 understand that the Indian Forestry Development
18 Programs' involvement begins with a request from the
19 community?

20 A. Yes.

21 Q. Do you begin the process with
22 consultation with the community?

23 A. Yes. It is upon the demand of the
24 community. Let me just take you back to 1985 when we
25 had changed our mandate from the Indian Logging Program

1 to the Indian Forestry Development Program.

2 At that point, only the reserves who had
3 strong recognition that there was a need to
4 rehabilitate their communities because of the
5 devastation of the logging that took place, as well
6 there was a need to mobilize, I guess, forest
7 management plans on reserves.

8 Many of the communities who have not --
9 has not been instrument to that or privy to do it
10 because I think there was an understanding where the
11 province is -- and looking at what the province was
12 doing with their own management plans and their own
13 management of the forests, it was a little hard for us
14 in the sense that we have officed in the MNR offices
15 here in Kenora. Some communities did not recognize us
16 as a good instrument because of the kind of practices
17 that MNR has been seeing to do.

18 Q. So initially you would go in after
19 you receive a request and have a discussion with the
20 community and try and identify their concerns and their
21 goals?

22 A. Yes.

23 Q. And when you develop a plan, does it
24 include a survey process of the existing forest
25 situation?

1 A. Yes.

2 Q. And does the plan include setting
3 objectives and planning strategies to achieve them for
4 the forest?

5 A. The initial stage was to do
6 silviculture. Not necessarily forest management plans
7 to that full extent or to do timber management, okay.
8 There are various stages and it is dependent on what
9 the community wants.

10 If it sees that there was a need of
11 silviculture planning because of tree planting -- and
12 many of the communities, too, have seen this as an
13 opportunity in saying: Okay, we are going to have some
14 silviculture work being done. It was an opportunity to
15 say: Well, we are going to have some tree planting, it
16 will create jobs; we are going to have some hand
17 tending done, it will create jobs. That was the
18 measurement.

19 It wasn't a measurement that was going to
20 rehabilitate the community to that degree because then
21 we are looking at a 75-year plan.

22 Q. So the objectives that are set by
23 your plan -- or the strategies are reflective of the
24 objectives of the community?

25 A. Yes.

1 Q. And your plans do include harvesting,
2 regeneration and maintenance activities?

3 A. Yes.

4 Q. Do your plans include an inspection
5 component to see whether the plans are fulfilling the
6 objectives?

7 A. Yes. Under the agreements we have
8 with COFRDA, in obtaining the resources from COFRDA we
9 have certain guidelines that we have to follow.

10 Q. They recognize the importance of
11 monitoring the effects of the plan?

12 A. Yes.

13 Q. And that monitoring and inspection
14 enables you to make adjustments to your plans if they
15 are warranted?

16 A. Yes. In many cases through FORCAN or
17 through COFRDA where -- through the FRDA agreements, we
18 did the inspections through our technical arm, did the
19 inspections on behalf of COFRDA and has accepted them
20 and later I will let Ron to speak to that and the
21 success ratios of that.

22 Q. And will you agree that the elements
23 of your plan that we have just mentioned are important
24 for the practice of good forest management?

25 A. Yes, we do.

1 Q. And that those elements are important
2 whether the forests or on or off reserves?

3 A. Definitely.

4 MS. GILLESPIE: Those are all my
5 questions.

6 MADAM CHAIR: Thank you, Ms. Gillespie.

7 Mr. Freidin?

8 MR. FREIDIN: My name is Vic Freidin and
9 I am counsel for the Ministry of Natural Resources.

10 I gave Mr. Colborne some documents last
11 evening and I am just wondering, do you have copies of
12 those three documents up there with you?

13 CHIEF WILSON: One is the opportunity --

14 MR. FREIDIN: Let me go through them one
15 at a time and perhaps we can mark them as exhibits.

16 The first document that you have,
17 gentlemen, is a document entitled The Indian Forestry
18 Development Program Proposal to Indian Affairs.

19 Do you have that document there?

20 CHIEF WILSON: Proposal to Indian
21 Affairs.

22 MR. FREIDIN: I was told by Mr. --

23 CHIEF WILSON: Is that the strategic
24 plan?

25 MR. FREIDIN: Well, I have four documents

1 and apparently this is the one you didn't get.

2 MADAM CHAIR: Excuse me, Mr. Freidin.

3 Before we go to your documents we will make an exhibit
4 of the Minister of the environment interrogatories and
5 and that will be 1860.

6 ---EXHIBIT NO. 1860: MOE interrogatories and answers
7 thereto. (Panel 2)

8 MADAM CHAIR: Do we have copies of those,
9 Mr. Freidin?

10 MR. FREIDIN: No, I have to hand them out
11 to you. Can we mark as the next exhibit a document
12 entitled The Indian Forestry Development Program
13 Proposal to Indian Affairs.

14 MADAM CHAIR: Is there a date on this
15 document, Mr. Freidin?

16 MR. FREIDIN: There is not but it will be
17 the subject matter of my questions to pinpoint the
18 date.

19 MADAM CHAIR: How many pages is this?

20 MR. FREIDIN: Eighteen according to the
21 numbers.

22 MADAM CHAIR: I am to 26.

23 MR. FREIDIN: All right. Hold on.

24 MADAM CHAIR: I guess those are
25 appendices.

1 MR. FREIDIN: It has a cover page, a
2 two-page executive summary and then -- it is a covering
3 page, two pages of executive summary, 17 pages of text
4 and I guess what you have got attached are some
5 appendices.

6 MADAM CHAIR: All right. That will be
7 Exhibit 1861.

8 ---EXHIBIT NO. 1861: Document entitled The Indian
9 Forestry Development Program
Proposal to Indian Affairs.

10 MR. FREIDIN: The next document which I
11 believe you have, gentlemen, is a document entitled
12 Opportunity in Forestry: A Report Prepared by Harry
13 Bombay.

14 Have you got that one?

15 CHIEF WILSON: (nodding affirmatively)

16 MR. FREIDIN: Can we mark that as the
17 next exhibit, Madam Chair?

18 MADAM CHAIR: This will be Exhibit 1862.
19 This is dated October 6, 1990 and prepared for the
20 Indian Forestry Development Program.

21 ---EXHIBIT NO. 1862: Document entitled Opportunities
22 in Forestry by Harry M. Bombay,
dated October 6, 1990.

23 MR. FREIDIN: The next document that I
24 would like to mark as an exhibit is a document entitled
25 the Indian Forestry Development Program Strategic Plan.

1 This is a 27-page document which has attached some
2 excerpts from Appendix A and Appendix D, with
3 appendices in total being four pages.

4 MADAM CHAIR: Thank you, Mr. Freidin.

5 Do we have a date on this document?

6 MR. FREIDIN: No. We will have to deal
7 with that with the witnesses.

8 MADAM CHAIR: That will be Exhibit 1863.

9 MADAM CHAIR: Are these two separate
10 exhibits, Mr. Freidin?

11 MR. FREIDIN: No, it should all be one.

12 ---EXHIBIT NO. 1863: Document entitled Indian Forestry
13 Development Strategic Plan,
consisting of 27 pages.

14 MR. FREIDIN: I think I am going to
15 direct my questions in relation to the three documents
16 to you, Chief Wilson, and if somebody else feels that
17 they want to add something or you want to pass the
18 question on to somebody else feel free to do so.

19 CHIEF WILSON: In the event that I'm not
20 too sure of the answer, can I consult with my group?

21 MR. FREIDIN: Sure. So do you have the
22 three documents that I am referring to?

23 CHIEF WILSON: Yes.

24 MR. FREIDIN: Do you have extra copies
25 there? Do some of the other panels members have copies

1 of those three documents?

2 Let me see if I can put together a couple
3 of other packages.

4 MR. COLBORNE: I think there are multiple
5 copies, although maybe not enough -- all except for the
6 Bombay paper. I think the panel has about three of
7 each of the others to share.

8 MR. FREIDIN: Which ones don't you have
9 then?

10 MR. COLBORNE: I think the Bombay paper.

11 MR. FREIDIN: Do you need some extra
12 copies of that one?

13 MR. COLBORNE: If you have them.
14 Opportunity in Forestry.

15 MR. FREIDIN: Okay.

16 CROSS-EXAMINATION BY MR. FREIDIN:

17 Q. Chief Wilson, can you advise me who
18 prepared Exhibit 1861 which is the proposal to Indian
19 Affairs? Was it by the Indian Forestry Development
20 Program as it suggests?

21 CHIEF WILSON: A. Yes, it is.

22 Q. And were you involved in its
23 preparation?

24 A. Yes, the Board was involved.

25 Q. All right. Was Mr. Simmons involved

1 in this preparation?

2 A. Yes.

3 Q. When I look at the document at page
4 7, in the first full paragraph it says:

5 "Presently (September 1990), the IFDP has
6 twelve 5 year draft silviculture
7 proposals..."

8 So I take it this document was prepared
9 in approximately September of 1990?

10 A. Actually, yes. It was in August
11 actually.

12 Q. All right. Has this document been
13 submitted to Indian Affairs?

14 A. Yes.

15 Q. Could you turn to the very first
16 page of the document, please. In the second full
17 paragraph it indicates that:

18 "The Indian reserve lands located
19 throughout the Treaty #3 area make up
20 less than one per cent of the total land
21 base; however, the forested lands located
22 on those reserves make up over 5 per cent
23 of the accessible productive forest land
24 base in the Treaty #3 area."

25 Is this information which you believe is

1 accurate based on your research?

2 A. Yes.

3 Q. If you turn to page No. 3 of the
4 actual report and go into the second full paragraph,
5 again it says:

6 "Although reserve lands make up less than
7 six per cent of the accessible productive
8 forest land in the Treaty #3 territory,
9 the potential value of these lands is
10 considerable. In terms of site quality
11 and favourable location, reserve lands
12 are no different than the surrounding
13 provincial crown lands and in several
14 cases, reserves have the advantage of
15 being located extremely close to wood
16 processing centres."

17 I take it, again, that you agree with the
18 accuracy of that statement based on the research that
19 the logging -- pardon me, the development corporation
20 carried out.

21 A. Yes. In fact, the figure I think
22 that we have -- six per cent is rounding it off. I
23 think it is 5.8 per cent.

24 Q. Okay. Could you turn to page 5 of
25 this report. It indicates in the fourth line -- it

1 makes the comment:

2 "Since 1985, the goals and objectives of
3 the program have concentrated mainly on
4 forest management on reserve lands."

5 You have given evidence about that just a
6 moment ago in answer to a question from Ms. Gillespie.

7 You then on the next page, on page 6,
8 after item No. 11, refer to significant progress made
9 by the Indian Forest Development Program since 1985 and
10 you give some details.

11 Now, you make reference to ten management
12 plans having been prepared. Could you tell me, once
13 you get a resolution from the Board -- pardon me, from
14 the community that they want a forest management plan
15 prepared, could you just describe to me the process
16 that's followed in preparation of that plan?

17 Who gets involved? Who prepares the
18 plan, that sort of the thing, in a very general way?

19 A. Okay. Perhaps I can turn that over
20 to our technician, Ron Simmons. After the stage of a
21 request from the community we have a fairly good idea
22 of what the 25 communities or 62 reserves want, so we
23 have a fairly general idea in the sense of what is out
24 there and what they may be able to do.

25 Q. All right. Before you go into that,

1 Mr. Simmons, when it makes reference here to 10
2 management plans having been prepared, are we talking
3 about 10 forest management plans which deal with
4 harvest, renewal and maintenance, or are we talking
5 about those and something different as well?

6 MR. SIMMONS: A. We are talking about
7 forest management plans, yes.

8 Q. Okay. So could you just explain to
9 me generally what happens once you get resolution from
10 the communities that they would like a forest
11 management plan prepared?

12 A. Once we get resolution we will
13 schedule the plan for preparation as soon as possible,
14 probably next year or the year after.

15 Q. Right.

16 A. We will do the inventory usually with
17 people from the band as surveyors. We will then draft
18 a management plan, present it to the band, more
19 discussion, and make any revisions, et cetera, that may
20 be necessary, draft the final plan, and once that is
21 done we will prepare a proposal which we will again go
22 over with the band and then submit the proposal to
23 Forestry Canada.

24 Q. When you submit the plan to Forestry
25 Canada, are you seeking some sort of approval by them?

1 A. Forestry Canada gets a copy of the
2 plan but we don't submit it for approval, no. We
3 submit it to the band for approval.

4 Q. All right. Do you need any
5 permission from the federal government to implement
6 that plan?

7 A. Not to my knowledge, I don't think
8 so.

9 CHIEF WILSON: A. We haven't. No, we
10 haven't but up to this point --

11 Q. You haven't needed it or you haven't
12 obtained it?

13 A. No, okay, and the reason we haven't
14 been asked, okay, every year because we have been
15 funded from 1985 on partially from Indian Affairs, so
16 we make an annual report that gives them an indication
17 of what we're going to be doing the next year of our
18 five-year plan.

19 And we have oodles and oodles of
20 proposals which we would like to undertake and these
21 are just one of them. Incidentally, the proposal that
22 you have there for Indian Affairs, Indian Affairs has
23 not responded to it and it has been submitted to them
24 August of 1990.

25 Q. Okay. The plans that you do

1 prepare - and I will be asking you some more detailed
2 questions about the plans later, Mr. Simmons - they are
3 five-year management plans?

4 MR. SIMMONS: A. It varies. The
5 operational part is usually five years. The plan
6 itself can be anywhere from 10 to 20 years depending on
7 the circumstances. You quite often can't do a 20-year
8 plan because we can't see 20 years in the future.

9 Q. I understand that your offices are
10 located in the Ministry of Natural Resources offices?

11 A. Yes.

12 Q. Or the same building?

13 A. Same building.

14 Q. Right. And am I correct that you
15 have access and, in fact, make use of much of the
16 equipment and back-up material that the Ministry of
17 Natural Resources has on hand such as FRI maps?

18 A. Yes.

19 Q. Computers and that sort of thing?

20 A. We don't use the computers, no.

21 Q. Can you give me an idea of the sort
22 of working relationship that you have with the MNR
23 people?

24 A. Our staff has a good relationship
25 with them generally.

1 Q. And can you sort of explain to me the
2 sorts of things that your staff cooperate with, what
3 sort of information exchanges or what sort of
4 assistance do they provide to you in carrying out your
5 job?

6 A. We lend and borrow equipment quite
7 often.

8 Q. Such as...?

9 A. Snowmobiles, shovels, all-terrain
10 vehicles.

11 CHIEF WILSON: A. Pencil sharpeners.

12 Q. Yes.

13 MR. SIMMONS: A. Any time we can be of
14 assistance, if the Ministry has a question they do come
15 up and ask us and consult us.

16 Q. Did you ever consult the Ministry and
17 ask them for information to assist you?

18 A. I'm sure we do, but nothing springs
19 to mind at the moment.

20 Q. Do you remember having discussions
21 with their foresters about your plans and what some of
22 your ideas are?

23 A. I don't recall. I can't think of any
24 specific instances.

25 CHIEF WILSON: A. I believe there seems

1 to be an attitude, here's an Indian forestry group over
2 here, here's us over here, okay, we will do our thing;
3 let them do their thing.

4 Q. Okay. Could you turn to the next
5 page, page 7. If you go down to the second full
6 paragraph and go down to the last four lines it makes
7 reference to -- it says:

8 "More recently the Board has hired a
9 consultant to carry out investigation of
10 off-reserve commercial opportunities in
11 the forestry sector. Phase I of this
12 study is complete and Phase II will begin
13 shortly."

14 Is that a reference to the Bombay Report?

15 CHIEF WILSON: A. Yes.

16 Q. And the copy of the Bombay Report
17 that we have and we have marked Exhibit 1862, can you
18 tell me is that the Phase I of the study or is this the
19 Phase II?

20 A. The Phase I.

21 Q. Has Phase II been completed yet?

22 A. It hasn't even started, we haven't
23 been funded for it.

24 Q. Okay, thank you. And could you turn
25 to page 13 of this report. If you go to the first full

1 paragraph which begins:

2 "While it's difficult to estimate
3 precise numerical returns from the forest
4 resource, perhaps an example from the
5 Province of Ontario can illustrate the
6 capability and importance of forest
7 resources to both residents and
8 governments."

9 And you go on and talk about taxes and
10 fees and you talk about a return of 7.5 to 1.

11 We had some debate in the hearing well
12 before your evidence started about how you actually go
13 about valuing timber, figuring out, you know, how
14 important is it to the economy and that sort of thing.

15 Some people have suggested that the way
16 to do that is just to look at the stumpage value; other
17 people have said: Well, you should look at all the
18 spinoff values that are created, the jobs, the taxes,
19 et cetera.

20 It seems to me that the Indian Forestry
21 Development Program goes along with the latter way of
22 valuing timber, that you should look at the kinds of
23 jobs, the kinds of taxes that get generated. Is that a
24 fair conclusion to come to?

25 A. I think the statement sort of

1 reflects that.

2 Q. All right, thank you. Could you turn
3 to Exhibit 1862 which is the Bombay Report and could
4 you turn please to -- first of all, who is Mr. Bombay;
5 does he have any particular qualifications that we
6 should be aware of?

7 A. Mr. Bombay at the moment now is the
8 Director of the National Aboriginal Forestry
9 Association, that was after he had done the study.

10 He's been in senior management with the
11 Renewable Resources of the Indian Affairs, who had a
12 budget of \$62-million nationally at one time, and he
13 worked with CIC for some time in the human resource
14 sector, he also worked with for CESO for a period of
15 time.

16 Q. What's that group?

17 A. CESO, Canadian Executive Services
18 Overseas.

19 Q. Okay.

20 A. And he's also worked with -- he's
21 worked with -- he's a private consultant, he's married.

22 Q. I think --

23 A. And he's an original Indian from
24 Manitou Reserve.

25 Q. Okay. Can you turn to page 13 then

1 of Mr. Bombay's Report. On this page entitled:
2 Opportunities in Forest Management Services, and
3 specifically in relation to silvicultural contracting,
4 Mr. Bombay states -- starting about eight or nine lines
5 up from the bottom, he says:

6 "It is suggested that on-reserve work is
7 a starting point and training ground
8 leading to the optimum situation whereby
9 the aboriginal enterprises would become
10 more highly skilled, competitive in the
11 marketplace and able to win contracts
12 through tendering with MNR and
13 licensees."

14 When I read that it appeared to me that
15 Mr. Bombay was saying that increased skills and some
16 sort of training was required to allow the Indian
17 communities to compete in the normal sorts of processes
18 that may be involved in obtaining silvicultural
19 contracts.

20 Now, is that the view of Mr. Bombay as
21 you understand it, and is that the view of your
22 organization?

23 A. Okay. If we're looking at the
24 scenario, we believe that we have the talents and the
25 competitiveness to compete in the labour side.

1 To compete from the management side of it
2 and be able to have the equipment, the assets required
3 to carry out a total program, no, we don't have the
4 capitalization to do that, nor do we have the expertise
5 or the lobbying force that we need, and I think if you
6 read on through the line, we need the political
7 development as well to make it happen, or the political
8 will.

9 Q. I take it that those sorts of needs
10 are probably - if we looked at the proposals of Indian
11 Affairs - are the sorts of things that you're probably
12 suggesting in that document?

13 A. And, as I said to you, that we have
14 all kinds of documentation trying to encourage or
15 entice discussions so that we can move on.

16 We have 92 pounds of paper back in the
17 office over there that I could give you that indicates.
18 One of the things that we're going through right now is
19 a human resource strategy. Again, it's a follow up
20 from Mr. Bombay's recommendations.

21 Q. Okay. And this is being done through
22 the Indian Forestry Development Program or other Treaty
23 No. 3 organizations?

24 A. Through NAFA

25 Q. Through...?

1 A. NAFA.

2 Q. Which is...?

3 A. National Aboriginal Forestry
4 Association.

5 Q. Of which Treaty No. 3 is a member?

6 A. IFDP is a member.

7 Q. All right. Could you turn to page
8 24, it's entitled: Implications for Strategic
9 Planning.

10 And in the first full paragraph, third
11 last line there's reference to:

12 "Economic development needs to be
13 approached within the context of regional
14 economies, therefore, aboriginal
15 organizational structures must be
16 reflective of this."

17 And in the next paragraph the comment is
18 made in the second sentence:

19 "Development projects beyond the scope of
20 a single band might well be within the
21 reach of several bands in a collective
22 arrangement."

23 And then it goes on and makes reference
24 to there being three Tribal Councils and a number of
25 independent bands in the Treaty No. 3 area.

1 The reason I've drawn your attention to
2 this, Chief Wilson, is that in some of the documents
3 that we have -- or I have looked at in relation to
4 Treaty 3's case I get the impression that a lot of
5 things in terms of, particularly in relation to
6 economic plans are individual to each community, you
7 have to really look at each band, band by band.

8 And then when I read this it seems to
9 suggest, at least Mr. Bombay is suggesting, that to
10 really get involved in the kind of economic
11 developments that he's talking about, there has to be
12 a, I guess, a coming together of a number of bands to
13 run a particular project.

14 And I was somewhat confused as to whether
15 it's one way or the other, or maybe it's not just black
16 and white at all?

17 A. Or brown and white. Let me -- you're
18 absolutely right. Each community has the option of
19 trying to develop their own community or economic
20 development.

21 IFDP could be an instrument. It will not
22 compete in the same business, we are not in the
23 business of competing with another community. We can
24 be an instrument in advising those communities to be
25 active in those areas.

1 Now, there are -- obviously Mr. Bombay
2 has identified certain areas where it can happen. Yes,
3 we can be an instrument to those communities, either on
4 a collective basis or on an individual basis.

5 Q. So if something was to be done on a
6 collective basis would it be the result of a number of
7 communities getting together and coming to you
8 collectively and saying we would like to do something
9 collective, or do you try to act as a catalyst?

10 A. We can act as a catalyst as well.
11 The mandate that we have just requested through Treaty
12 3 hopefully will give us that mandate so that we can be
13 both from both sides, one as a catalyst and the other
14 one is an advisory.

15 Q. Did you make a reference to a request
16 that has been made of Treaty No. 3?

17 A. Yes.

18 Q. What's that all about?

19 A. That we don't only act on the
20 reserves, we're looking at the whole Treaty 3
21 territory.

22 Q. Okay. Now, this may be an
23 appropriate question for you, but it also may be
24 appropriate for Mr. Kavanaugh.

25 Let's think about, for the moment, timber

1 management plans which are prepared by the Ministry of
2 Natural Resources off the reserve on forest management
3 units that we have, whether they're Crown -- you know,
4 on Crown units.

5 Does the Indian Forestry Development
6 Program get involved in those in any way?

7 A. Are you asking Mr. Kavanaugh?

8 Q. I can ask you. If you can answer the
9 question, go ahead.

10 A. I think since you made reference to
11 me, okay. Understanding the process that communities,
12 bands, tribal councils or even Treaty 3 is going
13 through; one is that we are going through a
14 self-government process and try to understand what
15 self-government means to us, what it means to an
16 individual, or what it means to a community, or some
17 other collective arrangements.

18 In understanding that then we can react
19 to whomever comes, rather it be an individual or rather
20 it be a community or a Tribal Council or a collective
21 arrangement of communities or Treaty 3 itself.

22 Q. We have heard evidence of situations
23 where during the preparation of a timber management
24 plan on one of the forest management units there will
25 be discussions between, say, the forester on the unit

1 and a particular Indian band or community, and there
2 will be a meeting of the minds, some sort of agreement
3 that things will be done in a certain way.

4 Does that band have to get any sort of
5 approval from the Treaty organization before they can
6 come to that separate agreement?

7 A. No, no. A community under its own
8 auspices and authority can deal with these things on an
9 individual basis, and remembering at the moment right
10 now, IFDP can work only within the realms of the
11 reserve.

12 The communities -- some communities have
13 now got into negotiating traditional areas or a
14 geographic area adjacent to their reserve and are
15 negotiating various kind of resource arrangements.

16 IFDP at the moment -- cannot at the
17 moment right now previous to any full mandate could not
18 get involved.

19 Q. All right. Mr. Kavanaugh?

20 MR. MARTEL: It's called flexibility, Mr.
21 Freidin.

22 MR. FREIDIN: One of my favorite words.

23 MR. MARTEL: I thought so.

24 MR. KAVANAUGH: Your question relative to
25 wildlife management and timber?

1 MR. FREIDIN: Q. Well, all right.

2 MR. KAVANAUGH: A. I have been involved
3 in the Aulneau Peninsula to some extent and that is
4 because of one of our reserves is situated on the
5 Aulneau itself, so whatever goes on, whatever
6 activities go on there, you know, we feel we should be
7 involved.

8 As well I've met with Mr. Wildman, you
9 know, on an informal basis, you know, just chitchat at
10 a meeting and I have suggested that Treaty 3 and
11 organizations like IFDP be also informed of what is
12 going on and as well be invited to that forum.

13 Because there's one reserve in that
14 particular sector that is collectively owned by many
15 bands of Treaty 3, so that becomes a Treaty-wide --
16 Treaty 3 wide issue.

17 So in that regard I have been involved?

18 Q. Would Treaty No. 3 communities - and
19 you might not be able to speak for all your
20 communities - but would they be interested in serving
21 on similar advisory bodies or the preparation of each
22 timber management plans on Crown lands now?

23 A. I suggested Mr. Wildman that he get
24 in contact with the organization itself through its
25 executive director.

1 Q. This would be Treaty No. 3?

2 A. Yes. I don't know what has
3 transpired since that. It's been about three weeks ago
4 I talked to him.

5 MR. COLBORNE: Just for the information
6 of the Board and Mr. Freidin, this will be the type of
7 topic that Panel 6 will address.

8 MR. FREIDIN: All right.

9 MR. COLBORNE: And it wasn't intended
10 that these witnesses be conversant with this particular
11 area.

12 MR. FREIDIN: That's fine, I'll reserve
13 those questions to Panel 6. Thank you.

14 Those are all my questions in relation to
15 Exhibit 1862.

16 Q. Can we look to Exhibit 1863, please.

17 CHIEF WILSON: A. And what is that?

18 Q. Now, this is the Indian Forestry
19 Development Program Strategic Plan. Have you got that,
20 Chief Wilson?

21 A. Yes. You mentioned appendix...

22 Q. Yes. You didn't get copies of.

23 A. Yes, I have Appendix D and I have
24 Appendix A.

25 Q. Yes. I think you have part of it.

1 You have two pages of Appendix A and two pages of
2 Appendix D?

3 A. Yes.

4 Q. You've got everything.

5 A. Everything I need.

6 Q. Everything you need.

7 A. That means I'm not guilty.

8 Q. Now, again, we can assume that this
9 document was prepared by the Indian Forestry
10 Development Program?

11 A. No, you don't have to assume that, it
12 is something we prepared.

13 Q. Okay. What's its relationship to
14 Exhibit 1861, 1861 was the proposal to Indian Affairs
15 prepared in August of 1990.

16 Where does this Exhibit 1863, the
17 Strategic Plan, fit into things. Is it an earlier
18 document, an later document?

19 A. Okay. The document that's gone to
20 Indian Affairs was adopted by IFDP in August of 1990,
21 the Indian Forestry Development Program Strategic Plan
22 was adopted --

23 MR. SIMMONS: A. The proposal grew out
24 of the Strategic Plan.

25 Q. I see. Okay.

1 CHIEF WILSON: A. Yes.

2 Q. That is helpful. Thank you. And if
3 you turn to page 15 of Exhibit 1863 you talk about the
4 commercial activity -- sorry, when you talk about the
5 commercial activity, I take it you're talking about the
6 commercial activity of the IFDP being split into two
7 separate initiatives, forestry development and business
8 establishment.

9 First of all, am I correct you are
10 talking about the commercial activity of the IFDP?

11 MR. SIMMONS: A. Yes.

12 Q. And has this actually happened or is
13 this still something which is only a proposal to Indian
14 Affairs to which you have not received a response?

15 A. It hasn't happened and I assume that
16 the strategic plan has basically been scrapped and been
17 replaced by the proposal.

18 Q. Okay. Well, that may --

19 CHIEF WILSON: A. Well, nothing has been
20 replaced yet because we haven't had no -- we don't have
21 an agreement.

22 The documents that you have are ideas
23 that we have created to try and stimulate some
24 discussion.

25 Q. Now, would you turn to Appendix A,

1 the portion from Appendix A. Page 28, the first page
2 that I've copied for you has a heading on it called
3 Cost Effectiveness of IFDP Administration, and on page
4 29 in the first full paragraph it states, the third
5 line:

6 "Undertaking forest renewal in a reserve
7 setting is not the same as is the case on
8 Provincial Crown land. Traditions and
9 experience will have to be developed.
10 Meanwhile project delivery effectiveness
11 may not be comparable to that
12 off-reserve."

13 Maybe we should just read the next
14 paragraph, it says:

15 "These observations may be pertinent in
16 considering the relative cost
17 effectiveness of IFDP versus forest
18 renewal programs conducted on non-reserve
19 lands.

20 IFDP may appear somewhat costly
21 per unit of forest renewal delivered; on
22 the other hand, IFDP continues to be a
23 transitional mode, a situation which
24 that be past in perhaps two more years.

25 As well, the products and services

1 delivered by IFDP are not strictly
2 comparable to the equivalent products and
3 services delivered, for example, by
4 provincial resource agencies."

5 What I would like you to do, if you
6 could, is just explain to me or expand on what's meant
7 by really the last sentence -- the last two sentences
8 in that first paragraph, and this last sentence about
9 there not being a comparison between what's being
10 produced on reserve as opposed to through provincial
11 resource agencies?

12 A. Okay. Let me give you some examples
13 or try to give you some examples.

14 In terms of the life cycle of IFDP in a
15 given year, we spend a great deal of time just lobbying
16 for the various kinds of resources that's needed for
17 the communities. In doing so, we spend a great deal of
18 time spending our time on communities preparing the
19 kinds of proposals and, after that, being catalyst in
20 being able to present the proposals to the various
21 agencies.

22 And as well as, if you look at the
23 geographic area of 55,000 square miles where we require
24 a great deal more of travel; and, as well as, if you
25 compare a large-scale operation of MNR's forest

1 silviculture planning or tree planting or whatever,
2 then compare that to the communities where we have, in
3 some cases, 50 hectares or even less, and we still have
4 to travel from Kenora to monitor that as well as to
5 activate it and some of our people would have to
6 travel. Say from here to Seine River would probably
7 take a three-hour drive or more.

8 Okay. So cost effectiveness in terms of
9 that, in terms of planting the tree is no different
10 because we follow the realm of COFRDA, COFRDA has a
11 standard, we follow that standard.

12 Q. I think you were saying - maybe it
13 was you, Mr. Simmons - there's about a hundred thousand
14 acres of reserve land.

15 MR. SIMMONS: A. That was just an
16 example.

17 Q. Right. But that hundred thousand
18 acres, using that example just as a ballpark, is spread
19 all over--

20 A. Yes.

21 Q. --the Treaty 3 area in very small or
22 in much smaller groups.

23 A. Yes.

24 Q. I would take it that that makes
25 management of those areas from a timber management

1 point of view much more difficult, if not impractical,
2 to do it sort of all as one unit; you can't simply say
3 there's a hundred thousand acre unit out there in
4 Treaty 3 reserve land.

5 A. It would be much easier if it was
6 altogether, much easier and much cheaper.

7 Q. Now, if we could go back, Chief
8 Wilson, to page 29 where it says:

9 "Traditions and experience will have to
10 be developed."

11 What traditions and experience are you
12 referring to; that is -- all right.

13 CHIEF WILSON: A. Okay, let me see
14 where -- okay. That second paragraph someplace you
15 said.

16 Q. Yes. The second paragraph, third
17 line:

18 "Undertaking forest renewal in a reserve
19 setting is not the same as is the case on
20 provincial Crown land."

21 I think what you just told me a minute
22 ago sort of goes to that. Then you go on and say

23 "Traditions and experience will have to
24 be developed."

25 What does that refer to?

1 A. Okay. If we look at -- okay. When
2 we use words, traditions for an example, that does not
3 only look at the rehabilitation of the tree, you also
4 have to look at the other factors, the habitat, the
5 thing that lives around the tree.

6 So in understanding that, and we're
7 hoping that we are, as well as learning from the
8 communities, we as a unit are or the staff at IFDP
9 have, under the traditions that they have been taught,
10 again we try and incorporate that with the beliefs and
11 the traditions of the communities that they're dealing
12 with and that can vary from community to community.

13 Q. So the traditions can vary from
14 community to community?

15 A. From community to community.

16 Q. Can you give me an example of some
17 traditions that might vary from community to community?

18 A. Okay. At the moment right now --

19 Q. That would have to be taken into
20 account in timber management.

21 A. Okay. If it's in timber management
22 then, if it's in timber management, f we're just
23 looking at extraction of that tree in 75 years from now
24 that's one value; if we're looking at that tree for
25 other values such as oxygen or such as habitat or just

1 scenic view, then we have to take those things into
2 consideration too.

3 Q. All right.

4 A. So again that determines the kind of
5 tree that we should be planting.

6 Q. Are you saying then that the
7 tradition, or if I can use another word, that the value
8 that that tree or group of trees might have could vary
9 from one community to another?

10 A. Could vary from one community to
11 another. For example, if a community has lost its
12 trapping and -- because of marten population, if there
13 was a marten population mooted because of adjacent
14 clearcutting, okay, obviously the community wants to
15 try and rehabilitate their community back so they can
16 hopefully gain back that population.

17 Q. Okay. Now, you've also used the word
18 experience here. You say the experience will have to
19 be developed. What do you mean by that, experience in
20 what?

21 A. In being able to monitor and manage
22 that -- in using -- possibly using modern technology,
23 introduce it with the traditions as well.

24 Q. Now, if the traditions or the
25 values - the word I use - can vary from community to

1 community in terms of timber management, it seems to me
2 that you would agree with the proposition that it would
3 not be a good idea to have a rule, black and white or
4 brown and white as you put it, that would apply to
5 every community, every Indian community and how you had
6 to in fact conduct timber management in relation to it?

7 A. Yes. If we look at the
8 philosophies -- first of all, that's rule No. 1, we
9 look at the philosophy first of all, then we try to
10 develop the principles to it.

11 Q. Yes.

12 A. And then we start developing the
13 kinds of rules which are flexible enough to meet the
14 needs in the value system of each community.

15 Q. Okay. So you're saying once you've
16 got those philosophies and principles in place you
17 would want flexibility in relation to what you actually
18 do on the ground to make sure you could accommodate the
19 desires of individual communities or the differences
20 between individual communities?

21 A. That's right. And doing that, that
22 would give us then a value system, what is the return
23 of investment, what is the future return of investment.

24 If the return -- if the future return of
25 investment is extracting that tree for pulp and paper

1 or if it's from for sawmilling, then we can use those
2 as indicators in how we develop those value systems.

3 Q. The last paragraph on this page,
4 Chief Wilson, it says:

5 "The products and services delivered by
6 IFDP are not strictly comparable to the
7 equivalent products and services
8 delivered, for example, by provincial
9 resource agencies."

10 Have you described to me already the
11 products and services that you are referring to or is
12 there something else that I should --

13 A. Well, in looking through your FMAs,
14 for example, I mean you have one vision, boom, and
15 that's the extraction and rehabilitation of that tree
16 for its same purpose.

17 Q. Right. So that would be the products
18 and services you say are being delivered by provincial
19 resource agencies?

20 A. Yes.

21 Q. You are saying that those wouldn't be
22 necessarily the same products and services that would
23 be delivered through IFDP management of reserve lands?

24 A. We would be hoping that we would
25 answer the other values as well.

1 Q. Okay. Could you turn to the excerpt
2 of Appendix D that I have provided you with. I think I
3 just gave you one page. It is the silvicultural
4 summary.

5 At the bottom it has a summary of the
6 employment created and I take it the total there are
7 dollars?

8 MR. SIMMONS: A. Yes.

9 Q. When you refer to 'core staffing',
10 what's meant by that?

11 A. Core funds are the funds that the
12 IFDP acquires for its operation.

13 Q. And for 'its operations', that would
14 include your salary?

15 A. Yes.

16 Q. The salary of your staff here in
17 Kenora?

18 A. Yes.

19 Q. So it is your administrative staff?

20 A. Yes.

21 Q. Does it include anything outside the
22 office?

23 A. I believe it would -- the
24 administrative staff is actually in Fort Frances.

25 CHIEF WILSON: A. It would also include

1 Board participation, proposal writing that we may have
2 to hire. Pay off politicians -- no, I'm just kidding.

3 Q. Chief Wilson, you made a comment
4 during your evidence about IFDP almost went bankrupt or
5 they ran out of money recently?

6 A. Yes.

7 Q. Was that last year?

8 A. Yes. The last fiscal year.

9 Q. All right. And how far over the
10 budget did you go?

11 A. Oh, we were on budget. It was just
12 that we didn't have any money to carry us out.

13 Let me just take that one step back. In
14 order for us to look at our fiscal year budget, to
15 accommodate the staffing of which -- for example, are
16 staff -- in Ron's case, you have been with us for how
17 long?

18 MR. SIMMONS: A. Over 10 years.

19 CHIEF WILSON: A. Over 10 years. So we
20 have some labour requirements of giving him some
21 severance pay, a handshake or a golden watch or
22 something.

23 So in order to accommodate that we would
24 have to look at an operating year of approximately a
25 10-month operating year rather than a 12 full month

1 operating year, and if we don't have no indication of
2 where monies may be coming, then we have to seriously
3 think on the 9th month and say: Either we have close
4 the doors within the next month or the next 14 days or
5 the next hour.

6 Q. Let me just try to shorten this up a
7 little bit.

8 Can confirm for me, sir, as a result of a
9 shortfall in the IFDP funding last year that that
10 amounted to \$90,000 and that Forestry Canada picked up
11 50,000 of that and the Ministry of Natural Resources
12 picked up the balance, \$45,000?

13 A. Yes; i.e., 45, incidentally, there
14 was under the anti-recession dollar, there was a
15 commitment of \$436,000 or something to that effect, but
16 they did deduct the amount that they have provided us
17 from the year before.

18 Q. All right. My figures are correct?

19 A. Pretty close.

20 Q. Can you confirm for me that, in fact,
21 for the 1991/92 year, IFDP, that the Ministry of
22 Natural Resources has in fact contributed \$400,000 for
23 core funding in addition -- core funding; is that
24 correct, Mr. Simmons?

25 MR. SIMMONS: A. Maybe you should ask

1 Willie.

2 CHIEF WILSON: A. It's part of the
3 anti-recession dollars of the activities of IFDP which
4 includes Board participation and the activities that we
5 have outlined in the IFDP.

6 Q. What do you mean the anti-recession?
7 I don't understand this anti-recession of the IFDP.

8 A. Okay. The Government of Ontario came
9 up with "x" million dollars, \$700-million or whatever.
10 Part of that money was to produce 50 per cent labour
11 and 50 per cent can go towards whatever else.

12 Now, there was an opportunity for the
13 Minister of Natural Resources to tap into that on our
14 behalf. In fact, when the announcement came we didn't
15 even know it was happening.

16 I was in Ottawa and when I got the news
17 and immediately flew to Thunder Bay to meet with the
18 ADM, Mr. Riley, and at that point he still didn't know
19 that it actually happened.

20 I have to say at this point, I think that
21 whoever -- and I know who it is, several people who
22 have worked with it throughout the system in MNR had
23 been -- put the numbers together to meet and they were
24 extracted from various proposals that we had.

25 Q. So regardless of what fund it came

1 out of, somebody in MNR did tap into the funds, did
2 provide \$400,000 towards the operating budget of IFDP
3 for the coming year?

4 A. Right.

5 Q. Thank you.

6 A. There is no -- I mean, we're still
7 only living for another year. There is no continuous
8 basis.

9 Q. There is--

10 A. There's no future.

11 Q. --no sort of long-term commitment for
12 the funding?

13 A. No.

14 Q. It is this problem that we have heard
15 exists for a lot of organizations other than IFDP.

16 Am I also correct that the Ministry of
17 Natural Resources is presently working together with
18 the federal government and the IFDP in an attempt to
19 try to keep the monies flowing through programs similar
20 to COFRDA to make sure that IFDP can continue?

21 A. We have been asking for that kind of
22 process and it hasn't started yet.

23 Q. So you're not aware of anything of a
24 similar nature?

25 A. No, there hasn't been anything

1 official yet.

2 Q. Are you aware of anything
3 unofficially occurring?

4 A. The unofficial part of it is that we
5 made that request.

6 MR. SIMMONS: A. Can I add to that?

7 Q. Sure.

8 A. As far as I know, COFRDA funds the
9 operations and as far as I know that's a direct
10 delivery from the federal government. That's not a
11 shared cost.

12 The costs for tree planting, tending,
13 site preparation funded through COFRDA is a direct
14 delivery from the federal side.

15 Q. That's for on-reserve?

16 A. Yes, that's not a shared cost.

17 Q. COFRDA stands for the Canadian
18 Ontario Forest Research Development Association. It is
19 my understanding there is a 50/50 split on those funds?

20 CHIEF WILSON: A. No, no.

21 MR. SIMMONS: A. Not for the Indian
22 lands portion. It's direct delivery.

23 Q. Okay.

24 CHIEF WILSON: A. Could I as well add to
25 that. Unless we have the mechanism to be able to

1 prepare the proposals we would not be able to access
2 the COFRDA resources, or if we have the COFRDA
3 resources we don't have the mechanism to administer
4 those projects.

5 Q. Okay, thank you.

6 MR. FREIDIN: The next document that I
7 would like to mark as an exhibit is a document that I
8 have already provided to you. It's a document -- it is
9 a forest management plan for Islington, Swan Lake and
10 One Man Lake.

11 MADAM CHAIR: Mr. Freidin, if it is
12 agreeable with you we will exhibit this and have our
13 afternoon break.

14 MR. FREIDIN: Sure.

15 MADAM CHAIR: This document will become
16 Exhibit 1864. Could you describe the author and the...

17 MR. FREIDIN: All right. This is the
18 Forest Management Plan for Islington, Swan Lake and One
19 Man Lake for the period May 1988 to May 1993 and it is
20 authored by Edward Volpe of the Indian Forestry
21 Development Program in Kenora.

22
23 ---EXHIBIT NO. 1864: Forest Management Plan for
24 Islington, Swan Lake and One Man
25 Lake for the period May 1988 to
May 1993, authored by Edward
Volpe of the Indian Forestry
Development Program in Kenora.

1

2

MR. FREIDIN: Madam Chair, what time were
you proposing to break today? I mean, not break, for
the afternoon.

5

MADAM CHAIR: Four o'clock. Will you
finished your cross-examination, Mr. Freidin?

7

MR. FREIDIN: It is touch and go, but I
understand these witnesses were going to be available
tomorrow in any event.

10

MADAM CHAIR: How much beyond four do you
think you will...

12

MR. FREIDIN: It is hard for me to say.
Maybe up to an hour.

14

MADAM CHAIR: Why don't you talk to Mr.
Colborne over the break and see what kind of an
accommodation you can reach.

17

---Recess at 2:45 p.m.

18

---On resuming at 3:10 p.m.

19

MADAM CHAIR: Mr. Freidin.

20

MR. COLBORNE: Madam Chairman?

21

MADAM CHAIR: Mr. Colborne.

22

MR. COLBORNE: A matter that I just
referred to Mr. Freidin which we simply want to put on
the record. It's something that Mr. Freidin had no way
idea about until just a moment ago and neither did I,

25

1 and I think Chief Wilson can clarify it for us but it
2 is this, the witnesses feel a little uncomfortable
3 answering questions about the Islington Forest
4 Management Plan.

5 They are not declining to do so, but they
6 feel a little uncomfortable and I just want to explain
7 and Chief Wilson will be able to explain further, if
8 necessary, why.

9 IFDP assembled that plan at the request
10 of the Islington Band, but the way IFDP operates, the
11 plans are considered the property of the Bands and,
12 therefore, if IFDP had been requested by the proponent
13 to deliver a copy, IFDP would have requested either
14 that the proponent obtain it from the Band or at least
15 obtain authority from the Band before releasing it.

16 However, I believe IFDP simply as a
17 matter of its usual cooperation with MNR turned it
18 over, but not in the expectation that in a public forum
19 and in formal proceedings that it would be IFDP
20 answering questions about it without the prior consent
21 of the Band.

22 Now, maybe this might sound to many
23 people like a lot of talk, but the volume of wood and
24 so on could have commercial implications. The plans
25 could have political implications and certainly IFDP

1 never would like to be in the minds of its clients
2 thought of as a place where just basically anybody
3 could walk in and get information.

4 Chief Wilson might want to add to that,
5 but we are not declining to answer the questions, but
6 we just wanted that clearly on the record.

7 MADAM CHAIR: Is there anything you would
8 like to add, Chief Wilson?

9 CHIEF WILSON: Yes. I guess in
10 cooperation with the MNR personnel we have a copy of
11 all of the documents in our possession and we handed it
12 over as information. It was obtained by one of the MNR
13 personnel and it is the property of the Whitedog Band
14 and the individual who is the pencil to the document
15 now works for MNR in the famous Temagami management
16 unit.

17 MADAM CHAIR: Excuse me, Mr. Freidin.
18 What was the purpose of questioning on this plan?

19 MR. FREIDIN: There are sections -- I may
20 be able to avoid most questions, but the purpose of
21 doing this is there are statements in here which
22 reflect and deal directly with issues which have been
23 before the Board for three years and I just wanted to
24 ask questions of Mr. Simmons about that.

25 ---Discussion off the record

1 MR. FREIDIN: Madam Chair, there may be a
2 way of dealing with this. If Mr. Simmons can just
3 answer one question, and then I might be able to just
4 take a quick look through my questions and I might be
5 able to not just ask anything.

6 MADAM CHAIR: What is the question you
7 are going to put to Mr. Simmons?

8 MR. FREIDIN: Q. Well, the question
9 would be this: Is preparation of this plan -- I have a
10 couple of questions. Has this plan been approved by
11 the Islington Band?

12 MR. SIMMONS: A. The proposal based on
13 the plan has been, yes.

14 Q. All right. Can I take it that the
15 plan as -- because the plan was presented to the Band,
16 prepared on behalf of the Band by the Indian Forestry
17 Development Program, that the Indian Forestry
18 Development Program would in fact endorse the
19 activities which are, in fact, contained in here?

20 I'm talking about the harvest suggestions
21 and the silvicultural suggestions?

22 MADAM CHAIR: Excuse me, Mr. Colborne.
23 Do you have any objection to that question?

24 MR. COLBORNE: I would like some
25 clarification of what endorse means. If IFDP is acting

1 as a technical tool, then --

2 MR. FREIDIN: From a technical point of
3 view.

4 MR. COLBORNE: I think there is no
5 objection to that.

6 MR. SIMMONS: (inaudible)

7 MR. FREIDIN: Q. Sorry?

8 MR. SIMMONS: A. We will endorse it,
9 yes.

10 Q. You believe it is a sound, technical
11 document?

12 A. Yes. I haven't memorized it, but I
13 believe these are recommendations.

14 MADAM CHAIR: Can we move on, Mr.
15 Freidin?

16 MR. FREIDIN: I think I can if I just
17 take one moment.

18 MADAM CHAIR: One more question, Mr.
19 Colborne. This of course goes on public record and it
20 is available as an exhibit--

21 MR. COLBORNE: I'm aware --

22 MADAM CHAIR: --to anyone who wants to
23 look at it. Is that a problem for your clients?

24 MR. COLBORNE: I'm aware that it has
25 already been marked as an exhibit. I would have

1 preferred if I was aware of the problem that I became
2 aware during the recess, I would have preferred that it
3 not be marked as an exhibit.

4 MADAM CHAIR: You can request that it be
5 struck as an exhibit.

6 MR. COLBORNE: I am making that request.

7 MADAM CHAIR: All right.

8 MR. FREIDIN: I am objecting.

9 MADAM CHAIR: What are you objecting for,
10 Mr. Freidin?

11 MR. FREIDIN: I am objecting on the basis
12 that this witness -- this party is here to give
13 evidence as to what -- one of the issues before this
14 Board is what is and what is not sound timber management
15 practices.

16 One of the parties before this Board is
17 Treaty No. 3 who in fact rely on the Indian Forestry
18 Development Program for technical advice in relation to
19 timber management. This document has been acknowledged
20 by this witness to be sound timber management.

21 I want something on the record which
22 indicates what sound timber management means to the
23 body that gives technical advice to Treaty No. 3 and I
24 simply think it is relevant.

25 MADAM CHAIR: Mr. Freidin, the proponent

1 in this case is not Treaty No. 3, the proponent is the
2 Ministry of Natural Resources and it would more helpful
3 for the Board to know what problems these witnesses
4 have with the technical ability of MNR.

5 They are not preparing timber management
6 plans that will be approved by this Board.

7 MR. FREIDIN: I couldn't disagree with
8 you more, Madam Chair.

9 When we get to the end of this hearing,
10 there are going to be disagreements as to what sound
11 timber management practices were. You have heard great
12 deals of evidence from the Ministry of Natural
13 Resources, the Industry and Forests for Tomorrow as to
14 what those are and what those are not.

15 MR. MARTEL: But Mr. Freidin --

16 MR. FREIDIN: If I might, Mr. Martel,
17 please.

18 It is my submission that it is important
19 for the Board to have the views not only of the
20 Ministry of Natural Resources, the proponent, as to
21 what that is, but the views of other parties. I do not
22 want to be faced with the situation where Treaty No. 3
23 or anybody else suggests that any of the evidence led
24 by the proponent or anybody else is incorrect in
25 relation to what sound timber management is.

1 MR. MARTEL: What worries me, Mr.
2 Freidin, is this is not their property and you got it.
3 Their counsel wasn't aware, but the purpose was -- are
4 the problems involved. It is not their property and I
5 don't think -- I can't see why you can insist that
6 something that isn't their property becomes an exhibit
7 on your behalf.

8 If you had gone to the Islington Band and
9 got it directly from them I might not object to your
10 presenting, but that isn't the way it was presented
11 here, sir, and I have some difficulty - and I am not a
12 lawyer, but I am some difficulty accepting a piece of
13 evidence that doesn't come from those people who own
14 the document.

15 That's what worries me. If you want to
16 go to the Islington Band and get approval, I would say
17 that's fine, but this way, I don't think it's kosher,
18 Mr. Freidin.

19 MR. FREIDIN: You have my submissions and
20 I take it I have your ruling that it will be removed as
21 an exhibit.

22 MADAM CHAIR: It will be struck as an
23 exhibit unless you and Mr. Colborne can decide very
24 quickly if parts of the report can meet with the
25 approval for release. If there is sensitive

1 information in the report that can be struck from it,
2 the Board would accept that if you agree; if not, we
3 would strike the exhibit.

4 So why don't you get together after this
5 session and you can let the Board know in the future.

6 MR. FREIDIN: Sure.

7 MADAM CHAIR: Thank you.

8 MR. FREIDIN: Thank you. That saves some
9 time.

10 CHIEF WILSON: Saved my neck, too.

11 MR. FREIDIN: Well, good. I didn't want
12 your neck.

13 CHIEF WILSON: Just kidding.

14 MR. FREIDIN: Q. Okay. Mr. Simmons --
15 Madam Chair, I spoke with Mr. Colborne about the length
16 of the cross-examination and not finishing today. He
17 said that Mr. Simmons would definitely like to be
18 finished today and there is a good chance that Mr.
19 Seymour would like to be finished today; he might be
20 back tomorrow and might not. So I am going to get all
21 my questions to Mr. Seymour and then I will go to you,
22 Mr. Seymour -- I mean, Mr. Simmons first and then Mr.
23 Seymour.

24 MR. MARTEL: How long would you need
25 tonight, Mr. Freidin?

1 MR. FREIDIN: I think I will be better
2 able to tell you that in 45 minutes. I will try to
3 speak quickly, but not too quickly for the reporters.

4 Q. Mr. Simmons, in response to a
5 question from Mr. Colborne you made the comment that
6 the capability in relation to the amount of forest
7 product on the reserves is far more than what is used
8 right now.

9 Then later on Madam Chair asked a
10 question of Chief Wilson about whether there was really
11 very much by way of commercial timber on the reserves
12 and I understand Chief Wilson to say: No, there really
13 wasn't because the reserves had as a result of past
14 practices been mismanaged.

15 I saw that as a contradiction. Can
16 somebody tell me what the position is on this?

17 CHIEF WILSON: A. Who are you asking?
18 You are asking...

19 Q. First of all, do you disagree with
20 what Chief Wilson said?

21 MR. SIMMONS: A. Can you repeat that?

22 Q. All right. You said that the
23 capability of the forests on the reserves is far more
24 than what is used right now. What do you mean by that?

25 A. I mean you could get an awful lot

1 more growing stock off this land base than is growing
2 there now, merchantible timber.

3 Q. Now or in the future if in fact the
4 land is rehabilitated?

5 A. In the future.

6 Q. All right. Then there is no
7 contradiction. Thank you.

8 You also made a comment that -- again,
9 the question was, it would take a lot of money to go
10 back and repair the damage done in the past as a result
11 of mismanagement. You made the comment, if you could
12 do it at all. What did you mean by that?

13 A. I mean a lot of the damage done is 50
14 years old. There is a stand growing there now and it
15 may not be saleable, it may not be merchantible, but
16 we've got a lot of problems going in there and knocking
17 it all down just to replant it.

18 Q. So what you are saying is, there are
19 some areas out there because of mismanagement in the
20 past are in a condition where it just wouldn't make
21 much sense to spend money in trying to rehabilitate it?

22 A. We just don't know. We've got a
23 dilemma.

24 Q. From a dollar point of view or from
25 the point of view that you don't know whether it would

1 be worthwhile?

2 A. Both.

3 Q. Thank you. There was a discussion
4 regarding -- the question was put to you that the
5 province did not take into account reserve lands in
6 calculating wood supply. Do you remember that line of
7 questioning?

8 A. Yes.

9 Q. Would you agree with me, Mr. Simmons,
10 that when an agency such as MNR is making its
11 calculation of wood supply that it would be very risky
12 indeed to include in the calculation of wood supply
13 wood from an area that it has no control over
14 whatsoever, has no control of what is harvested and has
15 no control over what kind of regeneration occurs and
16 has no control over who does the cutting?

17 A. No, I would disagree with that.

18 Q. You disagree?

19 A. Yes.

20 Q. Why?

21 A. In order for you to accurately
22 predict what is going to come out of this area you have
23 to take into account all the land base. At least you
24 have to have estimates.

25 Q. How do you deal with the fact that

1 the Ministry of Natural Resources has no ability
2 whatsoever to, in fact, require that one stick of wood
3 come off the reserve?

4 If they included that in their estimates
5 and they said: Boy, there is all that wood on the
6 reserve and for some reason it didn't come off the
7 reserve, where is the MNR? Their calculation is not
8 very good; is it?

9 A. Well, they would have another
10 calculation to take that into account. They should
11 know that this wood is there.

12 MR. MARTEL: What would be the purpose of
13 knowing it, though? I can't...

14 THE WITNESS: For future wood supply.

15 MR. MARTEL: No, no, but MNR will not be
16 the one who is determining the future use.

17 MR. SIMMONS: They are determining the
18 future wood supply and correspondingly the future
19 number of mills.

20 MR. MARTEL: But they don't include, as I
21 understand it, Indian land in their calculation for
22 that sustainable yield.

23 I'm just trying to find out why you think
24 it is necessary. It might be a good thing. I mean, to
25 have the extra set of figures in the books somewhere,

1 but...

2 MR. SIMMONS: In the past, a lot of wood
3 has come off the reserves.

4 MR. FREIDIN: Q. But there is no ability
5 for the Ministry of Natural Resources to predict with
6 any accuracy what is going to come off or have any
7 assurance whatsoever that anything is going to come
8 off?

9 A. No, but I still think you should have
10 those figures.

11 Q. Thank you.

12 MADAM CHAIR: Mr. Simmons, with respect
13 to that point, are you making an argument for the fact
14 that if any wood is cut it goes into the same source as
15 is wood cut on any other Crown land--

16 MR. SIMMONS: Yes, it does.

17 MADAM CHAIR: --which is no different.

18 And also that an Indian reserve would be seen no
19 different with respect to the analytical techniques for
20 calculating FRI and so forth?

21 MR. SIMMONS: Yes.

22 MADAM CHAIR: As would areas of concern
23 or other no-cut areas that are recognized as existing
24 but not providing immediate wood supply?

25 MR. SIMMONS: That's what I'm saying,

1 yes.

2 MADAM CHAIR: Chief Wilson?

3 CHIEF WILSON: In addition to that, I
4 believe if there is a federal/provincial relationship
5 that the provincial should go to the federal
6 counterparts and ask them at the very least.

7 MADAM CHAIR: Excuse me. Does Forestry
8 Canada have accurate, up-to-date inventories as to what
9 is on reserve lands with respect to growing stock or
10 merchantable timber?

11 CHIEF WILSON: If you obtain the
12 information -- at the moment right now For Can does
13 have some information, local information. I mean,
14 recent information.

15 Previous to that, of 1983, Don Welsted
16 who is an FRP for -- was an FRP for Indian Affairs had
17 don an extensive study on what is on Indian reserves
18 which started from 1970. So that information was
19 available in Ontario.

20 MADAM CHAIR: Has anyone other than Mr.
21 Simmons requested the MNR to include reserve lands in
22 the FRI?

23 MR. SIMMONS: It wasn't myself. It was
24 my predecessor who did that.

25 MADAM CHAIR: But no formal request has

1 gone from Treaty 3 asking MNR to to do a formal survey
2 of timber reserves on your land?

3 MR. SIMMONS: (shaking head)

4 MR. FREIDIN: Q. Okay. The next
5 question is for you, Mr. Simmons, and this also relates
6 to something that you spoke about, Mr. Watts.

7 That is the situation where you, Mr.
8 Simmons, indicated that the native communities want to
9 hire more people and get more people involved in
10 logging and because there are -- you don't have large
11 allocations -- you haven't got large enough allocations
12 to provide sort of a business opportunity for every one
13 of them.

14 I think the example you gave, Mr. Watts,
15 was there was some 30 people involved or wanted to go
16 out there and there was 1,500 cords to be cut and it
17 just didn't make a lot of sense to go out there and cut
18 50 cords, and it is sort of that evidence I am driving
19 at.

20 Has any consideration been given to
21 having fewer people from the community given the
22 opportunity to go out there and harvest whatever
23 allocation you have got so they would at least have a
24 viable operation according to your evidence as opposed
25 to having the people not taking advantage of whatever

1 allocation they have got?

2 MR. WATTS: A. You're talking to me?

3 Q. Either of you?

4 A. Okay. Well, it is very difficult
5 when you've got a resource or (inaudible) reserve. We
6 don't have a higher up because of status. Because you
7 have got an expensive car doesn't mean you get a
8 hundred cords and the other one gets nothing.

9 We like to be fair and equal to everybody
10 else in the community. Sometimes it's a little
11 difficult, you know, trying to bully each other.

12 Q. So really it is a matter of tradition
13 that you want to share equally?

14 A. True.

15 Q. All right, I understand. Thank you.
16 Mr. Seymour, you indicated in your evidence that you
17 began your involvement in fire fighting back in 1984?

18 MR. SEYMOUR: A. Yes.

19 Q. Like yesterday you had an interesting
20 little tee shirt on that said something about fire
21 fighters on it.

22 A. I was given it by the boys at MNR.

23 Q. I understand that you have held the
24 position of auxillary crew boss within the fire
25 fighting?

1 A. Crew boss, yes. Auxillary native
2 crew boss, yes.

3 Q. Auxillary native crew boss. What is
4 that?

5 A. I'm not too sure. I think it's --
6 the way I've been told by the senior up, it is a
7 provincially funded agreement -- I'm not sure with who.

8 Q. I am not interested in the funding.
9 I am just sort of saying, what were your
10 responsibilities as an auxillary native crew boss?

11 A. Going after the fire and putting them
12 out. The concept of MNR fire fighting is to get men
13 and equipment in one position, to be ready for
14 sustainable fighting for days.

15 Q. I understand that part of your
16 responsibilities would also involve training in some
17 regards the emergency firefighters. Is that true?

18 A. Yes. We --

19 Q. Now -- go ahead.

20 A. For my community, we train about 15
21 people who are all fully qualified.

22 Q. Let's just see --

23 A. I also want to make a statement where
24 under the eyes of the Ministry we only have four who
25 are qualified this year.

1 Q. All right. We will get into that. I
2 am going to give you every opportunity. I want to deal
3 with this issue of certification that you dealt with,
4 but we will get to that in a minute.

5 A. All right.

6 Q. Let's just see whether we can agree
7 on a few things. It's my understanding that one can be
8 involved, the person can be involved in fire fighting
9 sort of in one of two ways; you can either be hired by
10 the Ministry on a seasonal basis which means that you
11 would be hired full time for fire season; is that
12 correct? That's one way of being hired?

13 A. Yes.

14 Q. I understand that if you are hired
15 for the season that you will in fact be offered the job
16 the next year if in fact the job position is still
17 available and you have done a good job; is that right?

18 A. Yeah.

19 Q. And I understand that that is the
20 basis upon which you were employed with the Ministry
21 from 1984 until last -- until this year actually?

22 A. My understanding in regards to that,
23 I was hired through an agreement between Canada and
24 Ontario back in '84 and then in '87. There was no
25 communication within the system, it was all tax free

1 money, I didn't have to pay tax.

2 Q. Okay.

3 A. Until in 1987 -- the year of '87,
4 which was a bad year for fire - well, it was a good
5 year - but anyways, but in '87 all of a sudden I am
6 Ontario worker, but what bothered me about it was I had
7 to pay tax for that year and I didn't know anything
8 about it.

9 Q. Okay. Leaving aside the tax issue--

10 A. Okay.

11 Q. --and I will accept that you were
12 upset about that situation.

13 A. I saw a lot of people which we
14 weren't notified at all.

15 Q. And again I'm accepting what you're
16 saying.

17 A. Mm-hmm.

18 Q. I want to establish that you were
19 hired on a recurring seasonal basis, every year you
20 were offered a job from '84 and you were offered this
21 job this year. And you've indicated that you wanted to
22 spend more time in relation to band activities?

23 A. Yes.

24 Q. Okay. Now, those are the seasonal
25 people. I also understand understand that the other

1 way you can get involved in firefighting is to be what
2 they call an emergency firefighter?

3 A. Emergency firefighter, EFF.

4 Q. What?

5 A. EFF.

6 Q. EFF. And those are people who will
7 in fact be called upon in an emergency if in fact the
8 seasonal crews can't handle the fires?

9 A. Yeah. This was established in the
10 fall of '89.

11 Q. Okay.

12 A. Each participant under the training
13 that was given through MNR were given a book in regards
14 to time spent at fires and they were monitored by the
15 signature of the crew boss, which would be me, and if I
16 wasn't there, there would be in charge -- they would be
17 monitored and signed by the crew fighter of the camp.

18 Q. All right. Are you talking about
19 this being done during firefighting operations
20 themselves or during training?

21 A. You got the book after you've done
22 your training.

23 Q. Right.

24 A. All right. And then you was told
25 either keep the book on your person or give it to your

1 crew boss in regards, you would not be hired unless you
2 had that book.

3 Q. Okay. Now, I understand that when
4 you say that you have trained people, you know, from
5 your community?

6 A. I have also trained a few other
7 communities.

8 Q. All right. That's training people
9 who become EFFs; is that right?

10 A. I'm also being trained by a lot of
11 them too.

12 Q. All right.

13 A. A lot of these people are more
14 experienced than I am.

15 Q. All right. Some of these people have
16 been out more often than you have?

17 A. I have.

18 Q. But the people who you do train are
19 the people who fill the status of E?

20 A. Yeah.

21 Q. And I understand that when this
22 training is done that the people who are in fact
23 trained are paid while they are being trained?

24 A. Yes.

25 Q. And after they are trained, and I

1 understand it's a two-day training course for EFFS?

2 A. It varies, it could be a five day or
3 it could be a two day.

4 Q. Okay. After they're trained and paid
5 for that training, they basically aren't involved in
6 firefighting unless they're called out by the Ministry
7 of Natural Resources in emergency situations; is that
8 correct?

9 A. Yeah. It varies from each community.
10 In my community I would take the guys out myself and
11 have a run around with them. It varies with each
12 community.

13 Q. But they're not involved unless the
14 fires are big enough and numerous enough that you need
15 them?

16 A. Yes.

17 Q. Okay. Now, it's my understanding
18 that training is required - and this is getting into
19 one of these issues that you have some concern about -
20 that training is required for people involved in
21 firefighting in both situations, if you're hired
22 seasonally you need training, if you're hired -- or if
23 you're going to fight fires as an EFF you need
24 training; is that right?

25 A. Yeah. Along with this training there

1 is also a lot of emphasis on the safety aspect, such as
2 the within an EFF crew there is a five men, so I would
3 be in charge of a four-man crew, four people under me,
4 a lot of chain set.

5 Q. Okay.

6 A. And the safety aspect is within this
7 chain set there are certain things, policy now from my
8 understanding at MNR you have to take a chain saw
9 course.

10 Q. Okay. Now you've raised the issue of
11 safety. Am I correct that firefighting is a pretty
12 dangerous occupation?

13 A. If you get caught, yes, it is.

14 Q. Could you give me -- describe for me
15 some of the dangers involved in firefighting, the sorts
16 of things that could happen that you have to know about
17 and know what to do to make sure that you aren't
18 injured or burned in the fire, killed in the fire?

19 A. Weather. Basically weather, wind,
20 the sound of the wind, how fast it's blowing, what
21 direction. When we approach a fire from the helicopter
22 we analyse -- the first thing I look at is which way is
23 our run away how do you get -- or which way is our best
24 way to approach of getting out of there in the safest
25 manner.

1 Q. So when just starting the fire, one
2 of the important things to make sure is that you and
3 the other people working --

4 A. Have an escape route.

5 Q. You have got an escape route?

6 A. Yes.

7 Q. Yes, all right. What else?

8 A. Now, we get to the fire we have to
9 chain saw, make sure there is -- well, when we attack a
10 fire basically we move as fast as we can to get to
11 control that fire.

12 Q. Are there risks involved in how you
13 go about attacking the fire?

14 A. Yes.

15 Q. Are there special ways that --

16 A. Like topography of the land.

17 Q. Yes.

18 A. Situation of the slopes, we look at
19 the swamps. We don't have to attack if there is a
20 swamp nearby, we just bypass that and go directly to
21 the head of the flame. We attack fires mostly from the
22 rear and try to head for the head.

23 Q. Is there equipment which is used by
24 firefighters that they have to know how to use?

25 A. Everyone had to train to take a pump

1 apart.

2 Q. What kind of pump?

3 A. A pump, it's a Wajax-3. Everyone
4 knows how to take a - we call them a pisspack, where
5 you just squirt water out of these.

6 Q. This is like a tank that you wear on
7 your back that squirts water?

8 A. They're about 40 pounds, 75 when
9 loaded.

10 Q. I'm sorry?

11 A. They're about 75 pounds, I think.
12 Yeah, they are. They're either rubber or they're tin,
13 it varies.

14 Q. I'm sorry.

15 A. Mostly the rubber ones. Rubber,
16 they're holding water on the back.

17 Q. All right.

18 A. I don't know, I can't remember the
19 terminology. I call them pisspacks.

20 Q. Okay. What other equipment are used
21 by firefighters that it's important that they be
22 trained in the use of?

23 A. One other thing is -- I think is
24 radio contact. With EFF we're allowed one radio per
25 person, one radio per crew.

1 Q. One radio per crew. Who uses the
2 radio on the crew?

3 A. Would be the crew leader, like the
4 crew in charge.

5 Q. All right. And is that radio
6 communication important for safety purposes?

7 A. Yes, it is. In case of emergency,
8 someone gets hurt, we have -- have been a lot of
9 injuries within the eye of getting sticks in the eye
10 walking through the woods, attacking the fire is the
11 most dangerous one.

12 The main object is to get to that fire,
13 so if you have to go between anything you just walk in
14 there, put your head down and walk through.

15 Q. Are there any dangers involved in the
16 bigger equipment that are used during forest fires such
17 as water bombers and helicopters?

18 A. Yes. The radio contact -- mostly
19 there is training involved with that. The crew leader
20 has radio contact with the person the bombers.

21 Q. But the guys on the crew, the other
22 guys on the crew not just the crew boss it's my
23 understanding that --

24 A. Each person on the crew has a role.

25 Q. And is it important for them to know

1 the dangers involved that can be--

2 A. I would say.

3 Q. --caused by water bombers?

4 A. Yes. From my experience. Yes.

5 Anyone that have been working with the MNR have a lot
6 of experience and know the danger.

7 Q. The EFF people that get trained and
8 who are required now to be trained, sort of certified
9 or trained ever year--

10 A. Mm-hmm.

11 Q. --am I correct that sometimes they
12 can be trained in one year and not get called?

13 A. Yep.

14 Q. So if they got called out on a fire
15 the second year, I would suggest to you that it would
16 be pretty important from your point of view and from
17 theirs to make sure that what they learned just through
18 a two-day training course the year before they still
19 knew about?

20 A. Well, yeah. This is where I call --
21 we hire and we go back through the steps.

22 Q. All right. And it seems to me from a
23 safety point of view, I mean, if one of our main
24 concerns is the safety of the people out on that crew,
25 not just the crew bosses and the seasonal people bu the

1 EFF people, training those people and making sure they
2 remember what they learned the last year is pretty
3 important?

4 A. Yes, it is. That's why I said we
5 have to do a rerun.

6 Q. Okay.

7 A. And then as you get to the fire you
8 have to have a way of jumping out of that helicopter
9 with safety in mind.

10 Q. Am I correct, sir, that the Ministry
11 of Natural Resources goes around to each community
12 every fall and every spring to see who wants training
13 as an EFF?

14 A. Now, yes.

15 Q. Did anybody from Rat Portage indicate
16 any interest in being an EFF this year?

17 A. We have a list of -- there's five,
18 five that are on that list right now.

19 Q. Five whom indicated this year that
20 they want training, or five whom were trained earlier?

21 A. Five who were on the list as EFFs.

22 Q. To be trained this year?

23 A. No, who are registered for EFF.

24 Q. And what do you mean by registered?

25 A. Who have their book and who are

1 within the Ministry's eyes licensed.

2 Q. When did they get their book, this
3 year or some earlier year?

4 A. They had it last year. They were
5 given by being there last year, by being involved last
6 year.

7 Q. It's my understanding that people who
8 don't take the training this year are not qualified for
9 this season even if they've got a book from last year.

10 A. That's how I understand it.

11 Q. What's your understanding?

12 A. Like I said before, you're asking me
13 a question in regards to have the training been given
14 to all the communities, I only speak on the part of Rat
15 Portage. I think other communities have not been
16 notified.

17 Q. All right. I understand that no one
18 from Rat Portage has been trained this year as an EFF?

19 A. Yes, no one has been trained.

20 MADAM CHAIR: You mean trained last fall?

21 MR. SEYMOUR: Okay, I'll take that back.
22 There is one has been trained which is the guy who took
23 over my spot.

24 MR. FREIDIN: Q. All right. And Madam
25 Chair just raised a good point. Are some of these

1 people -- is there anybody that was trained last fall,
2 because I understand it's good for twelve months - was
3 there anybody trained last fall?

4 A. Yes, 12 months. We only had seven.
5 I can't recall.

6 Q. That's okay. Now --

7 MR. MARTEL: Now, wait a minute. If they
8 were trained last fall, does that count for this year?

9 MR. FREIDIN: 12 months. It's good for
10 12 months.

11 MR. SEYMOUR: That's why we have five on
12 the list right now, five of the guys were working last
13 year, so now they're on the active list.

14 MR. FREIDIN: Q. Okay. Now, there was a
15 lot of discussion during the evidence, I think
16 primarily from Mr. Kavanaugh, about the firefighting
17 crew down in Whitefish Bay or out of Sioux Narrows that
18 went to these various contests and did very well, and
19 some discussion as to how those crews don't exist any
20 more.

21 Am I correct that the crews that you were
22 talking about, the one at Sioux Narrows or the one
23 from, I can't remember the other location, that used to
24 compete, you're talking about the situation up to the
25 mid-1970s?

1 MR. KAVANAUGH: A. That would be
2 probably in the early 70s because that was during the
3 time I was in high school.

4 Q. It's my understanding that that is
5 right, that really what's happened, there's been a
6 change since the early 70s that you were talking about,
7 that prior to the 1970s that there were in fact fire
8 crews in various remote locations around the district
9 or the region - or Sioux Narrows may have been one of
10 them, there may have been another one, you know, in
11 another area - but that since the early or mid-70s in
12 order for the purposes of efficiency and for the
13 purposes of increased safety - which we can get into -
14 the Ministry decided that they would become more
15 centralized.

16 Now, can you confirm whether that in fact
17 is true?

18 A. No, I can't, sir.

19 Q. Okay. Mr. Seymour, can you confirm
20 for me that during the fire season that all of the
21 seasonal - the seasonal now - employees in firefighting
22 say for the Kenora District are located here in Kenora?

23 MR. SEYMOUR: A. Now we are.

24 Q. Right. And am I also correct that
25 every day there is a briefing which occurs between the

1 head of the firefighting organization and all crew
2 leaders?

3 A. Yes.

4 Q. That all the crew leaders sit down
5 and they are advised about a number of things including
6 the fire hazard, strategic plans for the day and that
7 sort of thing?

8 A. Yes.

9 Q. Would you agree with me that it is an
10 important for these crew leaders to be involved in that
11 sort of a meeting?

12 A. Definitely.

13 Q. Am I correct, sir, that before all
14 these seasonal people, including the crew leaders, were
15 centralized that that sort of a meeting could not take
16 place because the crew leaders would have been in Sioux
17 Narrows and in other areas of the district?

18 A. I think with radio contact it can
19 be -- I'm sorry, phone contact.

20 Q. But the Ministry of Natural Resources
21 felt that it was more efficient, as I understand it,
22 that people be right here in Kenora.

23 MR. COLBORNE: I think the question
24 should be phrased a little differently, unless Mr.
25 Freidin believes that Mr. Seymour knows what the

1 Ministry of Natural Resources thought.

2 MR. FREIDIN: All right.

3 Q. Do you believe that it would be as
4 efficient to do that through radio communication as it
5 would be to have everybody right there to look at maps
6 and be able to discuss amongst themselves face to face
7 what the situation was day-to-day?

8 A. I think with an organization that's
9 got the ability to communicate anywhere they can be in
10 a situation of being up north, as long as the
11 technology is there and we have it, it can be done.

12 Q. Right. What's the prime mover of
13 people to fight fires?

14 A. Is the helicopter.

15 Q. Right. Where are the helicopters
16 located in Kenora District?

17 A. It's at centralized, the location is
18 there MNR base.

19 Q. In Kenora?

20 A. In Kenora. They also have another
21 one.

22 Q. Where's the other one?

23 A. Up north.

24 Q. Okay.

25 A. Separation. They also have another

1 one northwest, Rough Rock.

2 MR. MARTEL: How many Indian people were
3 employed last year, besides yourself, on the
4 firefighting crews here seasonally in Kenora from Rat
5 Portage -- from all -- we have just been told that the
6 crew, the firefighting crew is here in Kenora, and I
7 want to know how many -- well, first of all, maybe you
8 can tell me how many people seasonally.

9 MR. FREIDIN: Seasonal crews here.

10 MR. MARTEL: Maybe you can tell me how
11 many people on the seasonal crew and how many were
12 Indian?

13 MR. SEYMOUR: Okay. The seasonal crew, I
14 believe there was 40 but maybe it went to 36, down in
15 there, I'm not too sure.

16 I know there was 40 of them, and out of
17 that we had a crew which was negotiated too - and I'm
18 not able to speak on, Islington has their own fire
19 crew - but in our community there's two of us, there
20 there was two of us, there still is two, two positions,
21 and there's one from Shoal Lake.

22 MR. MARTEL: So there's three.

23 MR. SEYMOUR: Three.

24 MR. MARTEL: Out of 40. Maybe we can get
25 the figures straight.

1 MR. FREIDIN: Q. Let me go back because
2 I think Mr. Seymour that you are mixing up the EFF and
3 the seasonal people.

4 A. No, I'm not.

5 Q. All right.

6 A. Seasonal. There are 40, as I said
7 40, positions and there is two from us and one from
8 Shoal Lake.

9 Q. So you're saying there are
10 approximately 40 in total and in terms of the Indian
11 component of that, there were about two from Rat
12 Portage?

13 A. And one from Shoal Lake.

14 Q. One from Shoal Lake. So three out of
15 40?

16 A. No, three out of 43.

17 Q. Three out of 43. It's my
18 information --

19 A. Like I say, it could be 36.

20 Q. It's my information then, and I take
21 it that you disagree with my information, that in the
22 Kenora District there are eight natives involved or
23 employed as seasonal crews, that there are five at the
24 Whitedog Reserve.

25 A. Through another agreement, yes.

1 through their land claim settlement, yes.

2 Q. And there are three native auxillary
3 crew bosses?

4 A. Yes.

5 MR. MARTEL: Could I have those figures
6 again, please, Mr. Freidin?

7 MR. FREIDIN: Okay. In the Kenora
8 District there are eight natives involved as or
9 employed as seasonal?

10 MR. SEYMOUR: Five of them from--

11 MR. FREIDIN: Q. Five from --

12 MR. SEYMOUR: A. --Islington, which was
13 negotiated through another agreement.

14 Q. All right. And three off the
15 Whitedog -- or not associated with the Whitedog
16 Reserve?

17 A. Two from Rat Portage, and from Shoal
18 Lake.

19 Q. And those three are auxillary native
20 crew bosses?

21 A. Yes.

22 MR. MARTEL: And the crew are -- what
23 size, was 40 the --

24 MR. FREIDIN: Q. I understand you're
25 saying that 43 seasonal people employed in the Kenora

1 District?

2 MR. SEYMOUR: A. To my understanding,
3 yes.

4 Q. Okay.

5 A. They change from year to year. I
6 have been involved where it was a five-man crew, I have
7 been involved where it was a four-man crew.

8 Q. All right. Now, I understand - and I
9 think I can get you the information you want here, Mr.
10 Martel - it's my understanding that a number of years
11 ago each crew there would be made of five people?

12 A. What years are you talking about? It
13 varies. Back in the early 70s there was a 20-man crew.

14 Q. All right. From the time you started
15 getting involved in '84?

16 A. It was a four-man crew when I first
17 started.

18 Q. And I understand now --

19 A. It's five man.

20 Q. Three-man crew?

21 A. It was a four-man last year, but
22 mostly with the EFF they make us to have a five-man
23 crew.

24 Q. All right. And it's my understanding
25 that when the fires cannot be handled by those seasonal

1 crews, those seasonal people, that is when you go out
2 and get the EFF people?

3 A. Yes.

4 Q. Now, it's my information, Mr.
5 Seymour, that the large majority of the EFF people, the
6 people trained for EFF in northwest region of the
7 Ministry of Natural Resources are native, about 80 per
8 cent?

9 A. If you say so.

10 Q. All right. So you don't have a
11 figure?

12 A. I don't.

13 Q. Okay. It is also my information --
14 well, I got the impression during listening to your
15 evidence that you felt that when there was a need for
16 EFF --

17 A. They always go to the native
18 communities, yes.

19 Q. Pardon me?

20 A. Emergency situation, they'll always
21 go to the native.

22 Q. Why do they always go to native
23 communities?

24 A. Because we are darned good at it.

25 Q. And I would think that you're also --

1 probably there's a larger number of you in one
2 community and it's easier to access?

3 A. I think MNR knows that we are mostly
4 unemployed on the reserve and we do need some
5 employment.

6 Q. Thank you.

7 A. I would like to also make a statement
8 in regards to the 40, as was stated earlier.

9 Q. Right.

10 A. A lot of these are young easterners
11 coming up here, university people, who have no
12 experience within the bush and they bypass the system.

13 MR. FREIDIN: If I could just have a
14 moment, I may --

15 Q. And, Mr. Seymour, you also mentioned
16 the marina that is owned by the band.

17 A. Yes.

18 Q. Are there plans to expand that marina
19 at the present time?

20 A. Into what, a bigger marina?

21 Q. Yes.

22 A. Well, I think we are probably as big
23 as we can get. But in regards to service that we want
24 to give the people, definitely there's always better
25 ways of getting service and MNR knows that.

1 MR. FREIDIN: If I can just have one
2 moment.

3 Q. Okay. Those are my questions for you
4 firefighting, Mr. Seymour.

5 Let's deal with the issue of training for
6 a moment. Chief Wilson, you made the comment a number
7 of times about the importance of training of natives to
8 get involved in timber management and resource
9 management generally; is that correct?

10 CHIEF WILSON: A. Yes.

11 Q. Are you aware of a program known as
12 the Native Resource Technician Program?

13 A. Yes, the one in Sault Ste. Marie?

14 Q. Yes. Am I correct, sir, that that
15 would be -- that is a very positive development in
16 terms of trying to ensure that Native people become
17 trained and experienced in resource management?

18 A. It's one of the two that can be used,
19 yes.

20 Q. Right. I understand that it is a
21 unique program in that it is designed to overcome some
22 of the geographical and cultural barriers involved in
23 getting Natives the necessary training and education
24 for jobs -- let me go back.

25 My understanding that it's designed

1 specifically to make sure that these people can get
2 training in their home communities as opposed to having
3 to go off to school in Sault Ste. Marie or somewhere
4 else?

5 A. Yes, they're using, what's it,
6 Contact North.

7 MR. SEYMOUR: A. Contact North.

8 CHIEF WILSON: A. Contact north.

9 Q. And that involves TV cameras and that
10 sort of thing?

11 MR. SEYMOUR: A. Right.

12 CHIEF WILSON: A. Yes.

13 Q. I understand that -- can you describe
14 this program as you understand it?

15 CHIEF WILSON: A. Okay. The initial
16 prospect of that was to try and get a handle on the
17 dropout rate of and the accessiblity of being able to
18 take some training or technical training. Contact
19 North and MNR have been very instrumental in putting
20 that program through.

21 They have an advisory board which
22 includes Indian people on it. I think they're in their
23 second year now. They haven't -- to a certain stage
24 they can reach a stage where they can go beyond that so
25 they can become technicians and even farther to that

1 they can become RPFs.

2 We haven't been able to utilize those
3 people in our organization yet because they haven't
4 reached the stages that we need them, but it is my
5 understanding though that those people that are taking
6 that training have jobs in the summer time.

7 Q. Jobs provided by whom?

8 A. They are provided by MNR, and I'm not
9 sure if any of them has gone to private industry, I
10 don't have those stats, but it is a cost sharing
11 program with the federal government.

12 Q. And it's my understanding that the
13 Ministry of Natural Resources pays 80 per cent of the
14 program costs?

15 A. I don't know.

16 Q. Am I correct that this Native
17 Resource Technician Program, it's not limited to
18 training people to become forest technicians only, they
19 can, as you say, go on, they're getting a base from
20 which they can go on and get trained for being
21 conservation officers, they can go on to forestry
22 school and that sort of thing?

23 A. Yes. Many of the students
24 incidentally, many of them are either on UIC and are
25 being supplemented, so I think that when you say that

1 80 per cent is being paid for by MNR, one would have to
2 look at the stats and exactly what that 80 per cent
3 means.

4 Q. Okay. I understand that this program
5 also involves a mentor system, in that each of these
6 students is assigned to an MNR staff person who assists
7 them and works with them both in terms of their
8 academic part of the course but also field training?

9 A. Once they come back to the community
10 and sit in front of a television screen or a computer
11 monitor, if the computer monitor is an MNR personnel,
12 yes, I think they would.

13 Q. But my information is that the way
14 that these individuals are trained is that three days a
15 week they receive education through satellite and two
16 days during the week they are actually on the job
17 training in the MNR districts. Is that your
18 information?

19 A. Yes.

20 Q. It is my understanding that that
21 on-the-job training, for starters, is in fact received
22 by each student as a result through someone who has
23 assigned to that student?

24 A. I'm not really sure of that.

25 Q. Okay.

1 A. But I also understand that the
2 quality of the students has been much higher than the
3 academic institutions.

4 MADAM CHAIR: Excuse me, Chief Wilson.
5 Is this an arrangement made between Treaty 3 and MNR or
6 is this a program open to all?

7 CHIEF WILSON: It's open to all.

8 MR. FREIDIN: All natives.

9 MADAM CHAIR: All natives. Also, Chief
10 Wilson, how many students -- you say this is second
11 year of the program. Do you know how many students are
12 enrolled altogether?

13 CHIEF WILSON: I think this year -- the
14 last count was 42. It doesn't have a great drop-out
15 rate, to my understanding.

16 I went to speak to them before their
17 graduation and they certainly were pretty proud of what
18 they are doing.

19 MADAM CHAIR: So there are 42 students in
20 the second year of the program?

21 CHIEF WILSON: I believe it is 42, yes.

22 MADAM CHAIR: And another 40 students in
23 the first year or altogether?

24 CHIEF WILSON: I'm not sure what the
25 numbers are or who is in the first or second year.

1 MADAM CHAIR: All right. Thank you.

2 MR. FREIDIN: I can't provide second,
3 third year, that sort of thing, Madam Chair, but the
4 number of 42 is right in the ballpark in terms of the
5 number of students involved.

6 Q. Are you aware of any specific
7 individuals who have indicated an interest and a belief
8 that they will go on to other areas, such as
9 conservation officers or forestry as a result of being
10 introduced to forest resources through this course?

11 CHIEF WILSON: A. In talking with some
12 of the students in my visit with them, some of the
13 student have indicated -- like, I have tried to
14 encourage them to come to work for us.

15 I couldn't promise them, you know, a job
16 every year because we don't even know if we are going
17 to be existing here, but they have indicated that they
18 wouldn't most likely because they would rather go with
19 MNR because they didn't want to lose the chance of
20 going back to to school next year. That is one of the
21 premises, that they would go to work for MNR during the
22 summer months.

23 Q. Did some of them indicate that after
24 they had finished the course and get their diploma that
25 they believe that they will be going on -- they have a

1 belief that they will be able to go on to other areas?

2 A. It certainly opens their eyes to
3 those other options.

4 Q. You mentioned there being an advisory
5 board connected with this particular program and that
6 there were native people on that advisory committee.

7 What's the role of that advisory
8 committee in relation to this particular program?

9 A. Curriculum development, an
10 understanding of the individuals who are taking the
11 course, the remoteness or probably their background.

12 Many of the Indian representatives on the
13 committee are very well aware of where these situations
14 are, where these students are coming from.

15 As well, they also deal with the funding
16 portion of it and endorse the proposals either by the
17 institution, and I think there has been some discussion
18 to changing the curriculum to a manner that's much more
19 suitable or even who is going to be the instrument in
20 doing the teaching, whether it would be Sioux College
21 or another institution.

22 Q. So I understand, this advisory group
23 then has input into the course curriculum as well?

24 A. Yes.

25 Q. I understand the person who is in

1 charge of that particular program is a native person,
2 Yvonne Lavaley.

3 A. Yvonne Lavaley works with MNR. The
4 chairman of the committee is Jerry Parrel from the
5 education authority in Fort Frances.

6 Q. Are either of those individuals
7 Indian?

8 A. Both of them.

9 MR. FREIDIN: Madam Chair, it's -- sorry
10 go ahead.

11 CHIEF WILSON: One of the things in
12 regards to the fire fighting, I'm not sure if you are
13 aware of it, but there is a federal/provincial
14 agreement and certainly I think one should take
15 advantage of that federal/provincial agreement because
16 there is no cost to the Ministry of Natural Resources.
17 I understand as well it hasn't been renewed for some
18 time. It is a cost plus program.

19 So, in other words, whatever it's costing
20 MNR, plus I think it's 20 per cent for administration.
21 I'm not sure, I don't have the agreement here, but I
22 have a copy of an agreement.

23 Now, when you talk about what MNR is
24 participating in, if you look at the Whitedog
25 situation, it's a compensation agreement which, again,

1 obviously MNR is an instrument that can help in
2 training them. It's also at no cost to them.

3 From my understanding, these people are
4 only used in emergency purposes. So during that period
5 of time while they are sitting while this emergency is
6 happening they can be drawing welfare.

7 MR. FREIDIN: Q. My information is at
8 the moment that those individuals on the Whitedog
9 Reserve are now being paid as seasonal crew and it
10 comes out of MNR budget.

11 MR. SEYMOUR: A. Like I stated before,
12 they was five from Whitedog and three from...

13 MR. FREIDIN: Madam Chair, it is after
14 four o'clock.

15 MR. KAVANAUGH: Can I make a point of
16 clarification first?

17 MADAM CHAIR: Go ahead, Mr. Kavanaugh.

18 MR. KAVANAUGH: In regards to this
19 question about the fire crew in Sioux Narrows, I just
20 want to point out that when that transition took place
21 the crew from Whitefish Bay were in fact replaced by
22 university students. So the program as such continued
23 for a few more years.

24 That's the point of contention right
25 there. Why? Why replace, you know, green kids from

1 the south with experienced firefighters, fire
2 prevention?

3 MR. FREIDIN: Q. So you are saying when
4 the crew stayed there there was a change from natives
5 to non-natives?

6 MR. KAVANAUGH: A. Yes.

7 Q. When did the crews cease existing
8 their at all? In the mid 70s?

9 A. I can't verify the dates, but the
10 point of contention is why. Why trade in, you know, an
11 experienced crew with green kids basically?

12 MR. SEYMOUR: I think Francis has brought
13 up a good question from the early 70s.

14 I was brought up in Eagle River. I was
15 taken away from there in '66, literally grabbed from my
16 grandmother's place, brought down over here to the
17 residential system, placed in there to be brought up in
18 a civilized manner by the residential groups.

19 From a community over the hill which is
20 about a quarter of a mile from the residential system,
21 when I would go home they would come and apprehend me,
22 take me back to the residential system, give me a
23 shellacking for supposedly running away, but I'm not
24 sure where I was running from.

25 I am just saying this because part of the

1 history and the mentality or the way that the
2 non-native people were thinking about us natives was
3 backwards. It was not right.

4 I'm not educated man, myself. I have
5 learned through the wisdom of talking to people,
6 listening, mostly listening.

7 I applied to get into this program. Of
8 course I didn't make it; my academics is supposedly
9 slow. I just wanted to make this statement because the
10 way the native people have been treated is a
11 misunderstanding. There was no communication from one
12 point.

13 MADAM CHAIR: Thank you, Mr. Seymour.

14 MR. FREIDIN: Madam Chair, I think this
15 might be an appropriate time to end for the day. I
16 have spoken to Mr. Colborne and he said there is no
17 problem in me spilling over to tomorrow because all the
18 other witnesses that I still have questions for will be
19 here as part of Panel No. 3 in any event.

20 MR. COLBORNE: That's correct.

21 MADAM CHAIR: Mr. Seymour, this is your
22 last day with us then?

23 MR. COLBORNE: Well, that was just
24 uncertain when I spoke to Mr. Freidin. He may be here
25 tomorrow.

1 MADAM CHAIR: All right. Will you finish
2 quickly tomorrow morning, Mr. Freidin?

3 MR. FREIDIN: Less an hour I think.

4 MR. SEYMOUR: I have a meeting tonight so
5 I will find out if I'm...

6 MADAM CHAIR: Well, if you don't make it
7 back, Mr. Seymour, thank you very much, we appreciate
8 your work. Any of the other witnesses who can't come
9 back tomorrow, the Board thanks you for all the effort
10 and hard work you put in to giving us your evidence.

11 I think that is it for today. We are
12 going to go on and have another hour or two of
13 procedural meetings, hopefully not that long.

14 You don't have to stay, but you are
15 welcome to stay.

16 CHIEF WILSON: No.

17 MADAM CHAIR: That's how most of our
18 witnesses react.

19 Mr. Colborne?

20 MR. COLBORNE: May I have a five to ten
21 minute recess before we go into the procedural matter?

22 MADAM CHAIR: Our court reporters also
23 need a break, so let's have a ten-minute break.

24 Also, could you discuss amongst the
25 parties, do you want to start with the procedural

1 matter or the scoping matter?

2 MR. FREIDIN: Scoping.

3 ---Recess at 4:10 p.m.

4 ---On resuming at 4:25 p.m.

5 MADAM CHAIR: So what is it going to be,
6 scoping or the procedural matter?

7 MR. FREIDIN: I think we decided amongst
8 ourselves to do scoping first, but Mr. Colborne is not
9 here.

10 MADAM CHAIR: Let's begin the scoping
11 session for Treaty No. 3's witness statement 4 which is
12 the International Perspective by Peter Poole, and the
13 only cross-examiner been will be the Ministry of
14 Natural Resources.

15 The Board has two clarifications it would
16 like from Mr. Poole. The first one is, he insinuates
17 that there has been some hostility or some impediment
18 to the meeting of Canadian aboriginal peoples with
19 their international counterparts and we wonder whether
20 Mr. Poole has any evidence that the Ontario government
21 has -- or the federal government has prevented Ontario
22 native communities from travelling aboard to have
23 various discussions on international issues of common
24 interest, and also whether in fact the provincial or
25 federal government has assisted Ontario native

1 communities in undertaking these sorts of meetings and
2 projects?

3 I notice that Chief Wilson referred to
4 the Brazil meeting in 1992 and I assume that he or
5 others in Ontario will be going to that.

6 MR. COLBORNE: Yes, I will make sure that
7 Mr. Poole comes with that information.

8 MADAM CHAIR: Thank you. The second
9 matter is on page 2 in paragraph 8. The Board would
10 appreciate hearing from Mr. Poole a bit more detail
11 about what he describes as community-based alternatives
12 to industrial logging, and can he give us examples of
13 those in Ontario or an example that would be relevant
14 somewhere else to the Ontario scene.

15 MR. COLBORNE: I will ask him to prepare
16 for that as well.

17 MADAM CHAIR: Thank you, Mr. Colborne.
18 Do you have any questions, I guess, to
19 MNR about this panel?

20 MR. COLBORNE: No, thank you.

21 MADAM CHAIR: Mr. Freidin, how long will
22 you be in cross-examination?

23 MR. FREIDIN: Maybe a couple of hours.
24 It is pretty hard to say.

25 MADAM CHAIR: All right. Would this

1 panel take more than one day, do you think, Mr.
2 Colborne?

3 MR. COLBORNE: I am estimating one day.

4 MADAM CHAIR: Including your direction
5 examination and Mr. Freidin's cross-examination?

6 MR. COLBORNE: Including direct
7 examination, Mr. Freidin's cross-examination, but of
8 course I haven't heard if any of the other parties will
9 be cross-examining, but I understand that they will not
10 be.

11 MADAM CHAIR: That's the Board's
12 understanding.

13 MR. CASSIDY: As indicated in our
14 statement of issues that's my understanding as well.

15 There may be someone here who will await
16 further instructions as to whether or not somebody will
17 be here to sit in on that and if a question arises --
18 if that situation does occur, I would anticipate it
19 would be very short.

20 MADAM CHAIR: Thank you, Mr. Cassidy.

21 Which day did you schedule your Panel 4,
22 Mr. Colborne?

23 MR. COLBORNE: I'm going to answer that
24 in a somewhat lengthy way. It's probably time that I
25 put on the record the state of the scheduling for all

1 of the remaining panels of Treaty 3 evidence because
2 that might be of assistance to everybody here,
3 particularly since Mr. Cassidy and Ms. Swenarchuk have
4 just arrived.

5 My present best guess is that I will
6 commence Panel 3 tomorrow, continue with Panel 3 on
7 Monday, but then on Tuesday the 4th move on to Panel 4.

8 However, as of that day there will still
9 be a few Panel 3 witnesses who have not been heard from
10 and I will have to return to them out of necessity and
11 scheduling problems which are connected with the fact
12 that most of the Panel 3 witnesses are not available
13 next week.

14 I will be returning to June the 4th. I
15 think that Panel 4 can be not only started, but
16 finished that day and, therefore, I would commence
17 Panel 5 on June the 5th, and subject to what the
18 parties here say about the length of their
19 cross-examination, I would hope that we could be
20 finished with Panel 5 before the conclusion of the
21 sittings which I think will be midday on June the 6th.
22 I may be optimistic there.

23 Now, if I understand the Board's schedule
24 correctly and if it hasn't changed since I last made
25 notes, and it may have, I think the next day of sitting

1 is June the 12th and it would be my plan to complete
2 Panel 3, and in addition to do Panel 6 in the course of
3 the three-day period June 12th through June 14th.
4 Again, that is partly dependent on the length of the
5 cross-examination of Panel 6.

6 Those are my best estimates and I thought
7 I would say that now and on the record because of the
8 interruption of the Panel 3 evidence and the reason is
9 that most of the Panel 3 witnesses are Chiefs of Treaty
10 3 reserves and there is an all Ontario chiefs meeting
11 in Brantford in that very week when it happened that
12 they would otherwise have been called on.

13 So this necessitated a bit of juggling
14 with the schedule. Thank you.

15 MADAM CHAIR: Thank you, Mr. Colborne.

16 We will proceed with the scoping of
17 Panels 5 and 6 and see if that in fact will work into
18 Colborne's schedule.

19 Treaty 3's witness Panel No. 5 is
20 concerned with the economic analysis by two employees
21 of the Department of Indian and Northern Affairs.

22 The Board has one question that they
23 would like to put to those witnesses in advance of
24 their evidence so they can give us some better
25 explanation of this. On page 13 they use the example

1 of the Stuart Trembleur Lake Band and the Tanizul
2 Timber Limited Forest Project that's sponsored by the
3 federal government. This is occurring in western
4 Canada and it involves job creation and training
5 projects in forestry, and we would like to know if in
6 fact that is the sort of development that Treaty 3 is
7 interested in.

8 Now, Mr. Banerjee and Ms. Pare may not be
9 able to speak for Treaty 3. You might want somebody in
10 Panel 3 or 6 to address that, but we don't quite
11 understand why the reference was made to that
12 development project if it is not being put forward as
13 something Treaty 3 might want to see in its own area.

14 MR. COLBORNE: Thank you. I understand
15 the inquiry. I am sure you are not surprised at me
16 saying those witnesses in Panel 5 will not be in a
17 position to advise you as to what Treaty 3's proposals
18 are.

19 However, they might be able to tell you
20 why the reference is in there. I am sure they can tell
21 you why the reference is in their report.

22 MADAM CHAIR: All right, thank you.

23 We don't have any other -- we don't need
24 any other clarifications from those witnesses.

25 How long will you be in

1 cross-examination, Mr. Freidin?

2 MR. FREIDIN: Half a day.

3 MR. MARTEL: One day?

4 MR. FREIDIN: Half of one day.

5 MADAM CHAIR: How long will you be in
6 direction examination?

7 MR. COLBORNE: Half a day.

8 MADAM CHAIR: So if everything goes well
9 we should complete Panel 5 on June the 5th, next
10 Wednesday.

11 MR. FREIDIN: Is MOE and Industry not
12 cross-examining on five?

13 MADAM CHAIR: No.

14 MS. GILLESPIE: We plan to be present,
15 but we do not have any present plan to cross-examine
16 unless something comes up in the oral evidence.

17 MR. CASSIDY: That is the Industry's
18 position as well, Madam Chair.

19 MR. MARTEL: Is that your timetable, Mr.
20 Colborne, it looks like you will finish Wednesday the
21 5th..

22 MR. COLBORNE: Well, no. I thought that
23 we would spill over to the 6th with Panel 5, but that's
24 just my estimate. Perhaps when I say one half day of
25 direct examination I am being too optimistic.

1 MADAM CHAIR: Do you think that Panel 4
2 might spill into June the 5th?

3 MR. COLBORNE: It's possible. I think
4 Panel 4 is going to be shorter than Panel 5.

5 MADAM CHAIR: In any event, you won't be
6 bringing your Panel 3 witnesses back on the 6th even if
7 we are finished the evening of the 5th?

8 MR. COLBORNE: No, they will definitely
9 not be available on the 6th.

10 MADAM CHAIR: Okay.

11 Treaty 3's Panel No. 6 is the Treaty 3
12 Ojibway Perspective and we have four Treaty 3 chiefs
13 who will be witnesses for that panel.

14 We have a few questions we would like
15 these gentlemen to consider before they appear before
16 us. The first question we have is, we are trying to
17 understand very clearly what Treaty 3 wants from the
18 timber class EA.

19 We understand as it is written in this
20 witness statement that Treaty 3 wants, first of all,
21 compulsory and supervised negotiations. We don't know
22 at this point whether your clients feel that's what
23 they are going to be involved in or not with respect to
24 the terms and conditions of this application.

25 Are the compulsory and supervised

1 negotiations being referred to above and beyond the
2 negotiation of terms and conditions and are your
3 clients asking the Board to in some way be involved or
4 direct negotiations outside of the class EA
5 application?

6 Secondly, in the event that the
7 negotiations of terms and conditions for this
8 application don't prove to be successful in the eyes of
9 your clients, the Board wants to make sure it
10 understands from this witness statement because we
11 might not have your witness in front of us again, we
12 want to make sure we have an idea of what it is Treaty
13 3 wants out of timber management.

14 We have analysed this witness statement
15 and have in front of us a number of points that we
16 think speak pretty clearly to exactly what Treaty 3
17 wants the Board to consider and I am going to just
18 enumerate these points for you and I would like your
19 witnesses to look at those and tell the Board that, yes
20 that's part of the list of what we want or that's not
21 what we want at all or you have overlooked some
22 important aspect. We would like to hear that from your
23 witnesses. The first point is -- and I will just give
24 you the paragraph reference because that's how the
25 witness statement is handily set out. Paragraph 14,

1 Treaty 3 seems to be telling us they want sustainable
2 forest practices by the Industry and by MNR; paragraph
3 23 calls for consultation and joint decision-making
4 between MNR and Ojibway communities; chapter 28 calls
5 for the protection of the environment and use of forest
6 resources in the traditional manner of the Ojibway.

7 Paragraph 30 is a statement by Treaty 3
8 that they are opposed to clearcutting and a call at the
9 same time of massive reforestation; page 31 is a
10 position articulated by Treaty 3 that they want timber
11 management decision making to be at the community
12 level, for those decisions to be made by them;
13 paragraph 39 entertains joint ventures to create jobs
14 and make the forest industry more environmentally
15 conscientious I think; and paragraph 47 discusses the
16 environmental rights of communities; and paragraph 59
17 is a request to the Board to compel MNR to negotiate.

18 Also, paragraph 42 seems to be a pretty
19 strong statement by your clients, Mr. Colborne, that
20 they are not in favour of any sort of affirmative
21 action with respect to employment, and I guess we would
22 like them to elaborate on why they are opposed to this.

23 Given the evidence we've received from
24 the witnesses in Panel 2 with respect to declining
25 native employment in tree planting and fire fighting,

1 we wonder what the remedy is to those declining
2 employment levels if that's what -- if Treaty 3 sees
3 that as a problem, then what are they suggesting that
4 the Board could do to remedy that under this
5 application. If they are saying on the one hand they
6 want no affirmative action, the Board assumes that's no
7 hiring preference, no job creation targets, none of
8 that sort of thing, then alternatively what's the
9 answer to that situation.

10 MR. COLBORNE: I think it is just simply
11 going to be that the land ownership rights, for
12 instance, of Great Lakes are recognized and so Great
13 Lakes doesn't come here saying, we want an affirmative
14 action program. My clients are saying that if their
15 land rights were recognized they wouldn't need one.

16 MADAM CHAIR: Yes, and unfortunately we
17 are not in a position of settle the problem of land
18 rights, but is the Board in a position to do something
19 with respect to the employment opportunities of native
20 communities with respect to timber management?

21 MR. COLBORNE: I'm not sure they are not
22 the least bit interested in seeing the clock turn back
23 to the Indian Logging Program where, once again, there
24 is a white bureacracy running an operation to make jobs
25 for Indians. They are not here for that, not for one

1 second.

2 MADAM CHAIR: I don't think the thoughts
3 of the Board would have anything to do with providing
4 jobs, specific types of jobs.

5 We heard from Chief Wilson, his view of
6 the need for leadership and management responsibilities
7 accruing to the community as opposed to the provision
8 of seasonal manual jobs. That message is pretty clear,
9 but we would just like your witnesses to clarify that
10 for us so that we understand clearly they want nothing
11 from the Board with respect to those matters.

12 MR. COLBORNE: Yes.

13 MADAM CHAIR: So I will repeat. These
14 are items that we see in this witness statement that
15 suggest to us these are the important issues that
16 Treaty 3 is asking this Board to consider whether or
17 not negotiations are successful on these matters and if
18 we have left something out we want to know. If we put
19 the wrong emphasis on some of these points let us know.

20 How long do you -- sorry, Mr. Colborne,
21 go heed.

22 MR. COLBORNE: You may not be finished
23 yet.

24 MADAM CHAIR: I'm finished.

25 MR. COLBORNE: Is the Board asking for

1 further guidance from Grand Council Treaty No. 3 on the
2 question of whether the Board can; in other words, has
3 the authority to direct that there be negotiations
4 other than the ones that you have already directed take
5 place; that is, the negotiations on the terms and
6 conditions?

7 MADAM CHAIR: We assume -- and if you
8 could answer that for us right now. We assume the only
9 negotiations Treaty 3 is referring to in this witness
10 statement are those negotiations concerning the terms
11 and conditions of this application, of this approval.

12 MR. COLBORNE: No.

13 MADAM CHAIR: Well then, we would like to
14 hear more about that.

15 MR. COLBORNE: We will provide more on
16 that.

17 MADAM CHAIR: How long do you think you
18 will be in examination of these witnesses?

19 MR. COLBORNE: One and a half days.

20 MADAM CHAIR: All right. So that takes
21 us to -- how long do we sit on June the 14?

22 MR. COLBORNE: Actually, I should clarify
23 that. I know this panel doesn't want to hear about
24 funding and all I will tell you is that there is a
25 funding panel hearing this Thursday and Friday. God

1 knows I hope it doesn't take longer than two days.

2 My answer to your question just a moment
3 ago was based on the assumption that the Grand Chief
4 and the area Tribal Chiefs will be accompanied by and
5 assisted by elders when they give their evidence.
6 However, that depends on whether there are resources.
7 So the evidence-in-chief might be shorter depending on
8 the outcome of the funding hearing.

9 MR. CASSIDY: There's something that
10 interested me with respect to something you were asking
11 Mr. Colborne and, that is - I may be getting this wrong
12 and please correct me if I am - that you may be asking
13 Mr. Colborne to lead evidence, I guess, about the
14 potential jurisdiction of the Board to make mandatory
15 some form of negotiation.

16 And if that is the question which is
17 being asked of Mr. Colborne's party, and if that is
18 what this Board is interested in hearing on, it would
19 be my position that that potentially is a matter of
20 legal argument; that is, i.e., this Board's
21 jurisdiction.

22 And without taking a position one way or
23 the another on it at this point, I would indicate that
24 that may very well be something you'll hear about at
25 the end of the day as well from any of the other

1 parties.

2 MADAM CHAIR: Yes. And we have heard the
3 same view expressed, Mr. Cassidy, by the other parties
4 and we are just clarifying for ourselves that Mr.
5 Colborne is asking the Board, as we have done in the
6 negotiation process for all parties, asking MNR to sit
7 down and negotiate on the terms and conditions of this
8 application, and if it isn't that, we want to know from
9 Mr. Colborne.

10 Mr. Martel says to tell you to read
11 paragraph 59.

12 MR. CASSIDY: I will and I'm sure that
13 will be illuminated, Mr. Martel, but I want to avoid
14 the situation where I show up at the end of the day and
15 argue this matter on a jurisdictional point of view and
16 be told that I should have been here when the evidence
17 is being called, because it's my position that's a
18 matter of legal argument which is properly brought at
19 the end of the day.

20 MADAM CHAIR: We would hear legal
21 argument on that issue, Mr. Cassidy, but we want to
22 hear from Mr. Colborne's witnesses what they mean by
23 this.

24 MR. COLBORNE: That's my understanding as
25 well. What I propose to do with my Panel 6 witnesses

1 is clarify what they are asking for.

2 And I agree with Mr. Cassidy, that the
3 presentation of the evidence is not the time to argue
4 the jurisdiction question which may arise out of it.

5 MADAM CHAIR: Thank you.

6 How long would you be in
7 cross-examination of Panel 6, Mr. Freidin?

8 MR. FREIDIN: It's very hard to estimate
9 because we just got the answers to the interrogatories
10 this afternoon, or some time today and I haven't looked
11 at them. So let me estimate one day.

12 MADAM CHAIR: That would put us over June
13 the 13th and 14th.

14 MR. FREIDIN: Were we going to start
15 Panel 6 on the 6th if in fact we finished 5 on the 5th?

16 MADAM CHAIR: No, we start Panel 6 until
17 the 13th of June.

18 MR. FREIDIN: The 12th.

19 MR. FREIDIN: The 12th we have complete
20 Panel 3 and perhaps start Panel 6.

21 MR. MARTEL: Two days.

22 ---Discussion off the record

23 MR. FREIDIN: Is anyone other than MNR
24 cross-examining?

25 MR. GILLESPIE: Yes, Ministry of the

1 Environment is cross-examing. We estimate that we will
2 be approximately two hours.

3 MADAM CHAIR: Well, we won't know whether
4 we will complete on June the 14th until we see how
5 Panel 3 goes.

6 Is there anything else you want to ask
7 the parties, Mr. Colborne?

8 MR. COLBORNE: No.

9 MADAM CHAIR: Any questions the parties
10 have about this case?

11 MR. CASSIDY: If I could just ask, we
12 have now got three days set aside for Panel 3 over
13 hearing time. Can Mr. Colborne indicate - I apologize
14 if he said this before - who is going to be the witness
15 tomorrow Panel 3, I should say.

16 MR. COLBORNE: I was just going to rise.
17 I think it's easier for me to do say that now than to
18 do it separately to the various parties.

19 I think the evidence with respect to the
20 individual communities that will be called tomorrow
21 will be in regard to the following communities:
22 Wabaskang, Chief Barnie Petiquan; Grassy Narrows, Simon
23 Fobister representing the Chief; Islington, Bill Devlin
24 representing the Chiefs; Washagamis Bay, Chief Alfred
25 Sinclair and, in addition, the members of the IFDP

1 Board who were here today, I believe that they will all
2 have authority to represent their Chiefs and,
3 therefore, to effect some efficiency here and, in
4 addition, some of them have already started in a way
5 during Panel 2 to talk about their home communities, so
6 that will be Rocky Seymour for the Rat Portage Band;
7 Francis Kavanaugh for the Whitefish Bay Band, Chief
8 Willie Wilson for his own band, Rainy River Band; Roy
9 Carpenter on behalf of the Lac Seul Band, and Paul
10 Watts on behalf of the Wabigoon Band.

11 Originally I had hoped to call Panel 3 in
12 nice neat blocks but, of course, I guess nothing
13 remains that neat.

14 MADAM CHAIR: Not at this hearing anyway,
15 Mr. Colborne.

16 MR. CASSIDY: Are you able to indicate
17 who is going to be here on Monday, Mr. Colborne?

18 MR. COLBORNE: No, I am not. I will know
19 more about it at the end of the day tomorrow. There's
20 a slight variation from the perfectly symetric plan I
21 had in mind; and, that is, some of the persons who will
22 be here tomorrow have other obligations and rather than
23 set my witnesses up as a group and examine them as a
24 group and then have them cross-examined as a group, in
25 some cases - or perhaps all, if it works out to the

1 convenience of the Board and the counsel - I may just
2 do them one by one.

3 For instance, the Chief of the Wabaskang
4 Band, Chief Petiquan, has told me he can be here right
5 at 9:00. Now, unfortunately that may not work out too
6 well because we are not finished with Panel 2, but he
7 can be here right at 9:00 and if his evidence could be
8 heard then, he could go on to other obligations that he
9 has for tomorrow.

10 MADAM CHAIR: Would you want him
11 cross-examined at the same time?

12 MR. COLBORNE: That was my idea. If it
13 is necessary for the schedules of the witnesses, I
14 can't think of any reason procedurally why we couldn't
15 do it that way, even though that's not what was sort of
16 in mind at the beginning.

17 MADAM CHAIR: But we wouldn't hear again
18 from the IFDP board members?

19 MR. COLBORNE: Well --

20 MADAM CHAIR: Or do you want them to be
21 available only for cross-examination?

22 MR. COLBORNE: No.

23 MADAM CHAIR: Or they would sit with all
24 the witnesses?

25 MR. COLBORNE: I guess what I'm

1 suggesting is if indeed Chief Petiquan is just here at
2 9:00, he's going have a heck of a time getting back at
3 any time while you're sitting, I would ask that he be
4 heard, cross-examined and then he can go.

5 Then the Panel 2 cross-examination can be
6 completed, because the IFDP people will be here.

7 Then they can put on their hats as
8 representatives of their home communities and they will
9 then be Panel 3 and proceed that way.

10 But in case any of them had to leave, for
11 instance Roy Carpenter has to travel quite a long way
12 to get home and he is now going to be here at least one
13 day and possibly two longer than he expected, if he
14 were able to give his evidence as Panel 3, be
15 cross-examined and leave, that will be a convenience to
16 him.

17 MADAM CHAIR: Do you have any problem
18 with that, Mr. Freidin?

19 MR. FREIDIN: No, I have no problem. It
20 sounds like a good way to proceed. Just so I
21 understand, we will do the Wabaskang Band tomorrow at
22 nine o'clock, cross-examination will be completed, and
23 when Panel 2 resumes, after we finish that, Mr.
24 Carpenter will be the very first Panel 3 witness that I
25 will cross-examining. In fact, you want to deal with

1 him as a single first, get him in, get him out of here.

2 MR. COLBORNE: Right. And the other
3 people, the non-IFDP witnesses, some of them may have
4 difficult schedules tomorrow as well. They were
5 contacted on fairly short notice and advised that if
6 they could make it today -- excuse me, if they could
7 make it tomorrow it would save them a lot of travel
8 next week or the week after to get to Fort Frances.

9 So I think some people have bent their
10 schedules to get here tomorrow and if that's the case I
11 will try to accommodate them.

12 MADAM CHAIR: All right then. Fine,
13 thank you.

14 MR. CASSIDY: Madam Chair, I intend to
15 cross-examine some of the Panel 3 witnesses but my
16 cross-examination I anticipate will be quite brief and
17 will not be with respect to every one of those
18 witnesses.

19 MADAM CHAIR: All right. That finishes
20 the scoping session.

21 And shall we begin now to discuss the
22 matter of the proponent and the Board responding -- or
23 the proponent and the parties responding to the Board's
24 direction of April the 11th in which we asked for the
25 parties and the proponent to get together and report

1 back to us in some way by this date as to how we, the
2 Board, could get some information that would help us
3 compare costs among different silvicultural methods.

4 I don't know if any of you have received
5 faxes from Mr. Hanna on behalf of the OFAH.

6 MS. SWENARCHUK: Mr. Pascoe has delivered
7 them.

8 MS. MURPHY: Mr. Pascoe delivered the fax
9 which was received here a short while ago and on
10 delivery of that to me, Madam Chair, just to advise
11 you, I called Mr. Hanna to remind him that our May 23rd
12 letter had in fact been delivered to him and apparently
13 he either overlooked it or didn't realize he had it.

14 MADAM CHAIR: All right. Before we
15 proceed, we have in front of us dated May 23rd a letter
16 from the proponent that was sent to all full-time
17 parties.

18 The second paragraph informs the Board
19 that you were unable to arrange a formal meeting of the
20 parties but, nonetheless, had some preliminary
21 discussions.

22 Were you involved in those discussions,
23 Ms. Swenarchuk and Mr. Cassidy?

24 MS. SWENARCHUK: (nodding affirmatively)

25 MR. CASSIDY: (nodding affirmatively)

1 MADAM CHAIR: And so you will tell us
2 yourselves I assume what you think about this proposal.

3 And we've heard from Mr. Hanna by fax,
4 and do you have to report the reaction of any of the
5 other parties with respect to this proposal?

6 MS. SWENARCHUK: Did you want me to
7 begin, Madam Chair?

8 MADAM CHAIR: Perhaps it's better if we
9 hear what's in this and then we will call on you.

10 MS. SWENARCHUK: It might be more
11 efficient for me to go first?

12 MADAM CHAIR: All right, go ahead.

13 MS. SWENARCHUK: Madam Chair, the
14 question - this may take a little while - the question
15 of attempting to arrive at cost comparisons for a
16 different approach to harvesting is, of course, a key
17 question for the Forests for Tomorrow's case and the
18 Board's raising this issue is a matter of great
19 interest and I guess also concern to us, interest in
20 that we do see it as an important issue before the
21 Board; concern in this way: Forests for Tomorrow, to
22 the extent resources permitted, did attempt to address
23 the question of these cost differentials in our own
24 witness statement No. 7, and the Board's question here
25 makes it quite clear that the Board wants more

1 information if we were able to provide, however, I just
2 want to take a moment to review how we arrived at the
3 position in that witness statement.

4 Our experts, both foresters and
5 economists, attempted to use virtually all the
6 published data available on these cost differentials
7 and Dr. Muller, given his expertise in economic
8 analysis, then was able to convert them into constant
9 dollars and demonstrate for the Board an approach to
10 utilization of those cost figures.

11 We weren't able to do more than that
12 because the question of actual cost figures, I think,
13 for any area of the province for any particular type of
14 forestry treatment would require an amount of data that
15 was not available in the published literature.

16 Now, that remains a concern in that I
17 don't know how -- unless some company wanted to open
18 its books to us, I'm not sure how we could do much
19 better than that.

20 In brief what we all as parties have to
21 say to you today is that - and the other parties will
22 add or detract from what I say if they are not in quite
23 agreement - that we think, to respond to your request,
24 what will be required is for something analagous to the
25 clearcut exercise; and, that is, for our various

1 experts to get together and attempt to agree on a
2 methodology to approach the question, then presumably
3 the proponent will have the task of actually carrying
4 it out.

5 And I suggest that what we'll arrive at
6 is that, with respect to their results we'll probably
7 take the same position that was taken with the respect
8 to the clearcut exercise results; namely, that we may
9 not all agree on how the results are to be interpreted
10 but we will have agreed in advance on the collection of
11 the data and we can then go on to present you with our
12 varying interpretations of the data afterwards.

13 My impression from both my forester and
14 economist experts is that this will be extremely
15 difficult to do given the current level of knowledge in
16 the province; it will be difficult to come up with a
17 methodology and then it may well be difficult to carry
18 it out.

19 My experts have not had an opportunity to
20 look at the MNR proposal, nor would they have been able
21 to even if presented any sooner, they've just not been
22 available to me until perhaps beginning now, they will
23 be - perhaps not, they've been out of the country.

24 However, we're certainly prepared to
25 attempt to sit down with people from the other parties,

1 as was done with the clearcut exercise, come up with a
2 methodology, come back to you and report on that and
3 then see what can be done.

4 My only final qualification has to be
5 that the Board will understand that, particularly I
6 think amongst intervenors, for Forests for Tomorrow -
7 I'm sure the industry actually will agree, but I'm not
8 accustomed to referring to them as an intervenor -
9 amongst intervenors, Forests for Tomorrow's case is
10 completed, we have a very significant amount of
11 commitment with regard to our funding levels as they
12 now are and this exercise may well be a problem for us
13 in terms of funding available to pay the experts.

14 We're all heading into the funding
15 hearing in which an applicant has claimed 95 per cent
16 of the funds available. We don't know what's going to
17 happen there. We will make an effort to participate in
18 this exercise in order to satisfy the Board's question
19 to the extent we can, but I do want to bring to your
20 attention that the Board's request in this case on this
21 issue has important funding consequences for us.

22 Given the extent to which Forests for
23 Tomorrow's case revolves around this issue, you'll
24 appreciate that we are very deeply concerned about this
25 exercise going on if we don't have the funds to

1 participate fully.

2 I really can't say anything more about it
3 than that at this point. We'll make the effort. I
4 hope that I don't have to come back to you and announce
5 that we are not able to participate due to a lack of
6 funds. That is a possibility, however.

7 So to summarize what I think all of us as
8 counsel have wanted to attempt to do to answer your
9 question is to pull our experts together to look at
10 this issue and determine what an appropriate
11 methodology is and report back to you on the progress,
12 on the methodology and, hopefully, on actually
13 compiling the information, perhaps in August when you
14 reconvene.

15 Between now and then, given the terms and
16 conditions analysis and negotiation process, we're all
17 going to be very strapped to achieve that, but you have
18 our commitment that we will.

19 MR. CASSIDY: Madam Chair, it probably
20 makes sense for me to speak next.

21 And while I can agree with a portion of
22 what Ms. Swenarchuk has said, my client has some very
23 real concerns about this exercise. First and foremost
24 among them is a funding problem that my clients are
25 having, let's make no mistake about it. This is a

1 difficult time for the industry as well as a
2 self-funded intervenor, which is what we are in this
3 process, and that is an issue with respect to my
4 clients as well, but additionally OFIA has very serious
5 concerns about the validity or merits of this exercise.

6 In our view it is not an easy exercise
7 that will lead to any reliable or simple conclusions
8 rather because of the very wide variety of
9 site-specific situations encountered in the boreal
10 forest. In particular, it is our view that any
11 comparison of cost will be fraught with very
12 complicated scenarios that depend upon a host of the
13 extremely speculative assumptions.

14 These assumptions will, and I emphasize
15 the words will, be wildly inaccurate for any particular
16 site and will, therefore, necessarily limit the
17 usefulness of any conclusions that may arise from this
18 study or this exercise.

19 It is also the Industry's viewpoint that
20 the question before the Board is more than simply - and
21 I'm sure you appreciate this but we want to reiterate
22 our view - that it is more than simply for this Board
23 to determine relative regeneration cost, the important
24 question is: Does the silvicultural system in place
25 for proposed units achieve the wood supply objective.

1 And with all those concerns in mind, the
2 experts who are in house and assisting us are prepared
3 to look further at this proposal and exercise, but bear
4 very much in mind those misgivings and we may very well
5 come back to you at a point and repeat these things
6 once we see whatever the final result is.

7 Those are my comments.

8 MS. GILLESPIE: Madam Chair, the Ministry
9 of the Environment received the proposal on Friday and
10 has only had an opportunity to take a preliminary look
11 at it.

12 Our technical people at least initially
13 have a bit of a different view on the proposal. They
14 have some reservations actually about the level of
15 detail and the complexity that appears to be in this
16 proposal, and their initial view is that it may be
17 possible to simplify the exercise in order to answer
18 your question.

19 As a result of that impression, they
20 support Ms. Swenarchuk's suggestion that an initial
21 meeting should take place amongst the experts as a
22 study group to take a look at the methodology and how
23 to proceed to answer your question and see whether we
24 can get some sort of an agreement on how to do that,
25 and that that should be done in a quick time frame and

1 that we would come back to you, if we do not feel that
2 there is an agreement, on actually how to proceed to
3 answer the question.

4 ---Discussion off the record

5 MADAM CHAIR: Ms. Murphy?

6 MS. MURPHY: Yes. It is probably wise
7 for me just to simply attempt to respond. My friends
8 were responding to my proposal or my letter. The
9 letter was written, of course, after some discussion
10 between some of the technical people and counsel over a
11 period of time.

12 As I understood it today what the Board
13 is interested in is finding from us whether there's a
14 way that we can suggest a practical method of
15 organizing and presenting information on comparative
16 costs of various combinations of silvicultural
17 treatments.

18 My friends have advised you that the
19 exercise is complex. I wanted to point out to you a
20 couple of things that we would suggest the group
21 members, when they get together to work through this
22 exercise, will have to discuss between them.

23 The group members will have to between
24 them look at which combinations of techniques and
25 activities should be looked at. These are things that,

1 in order to make the exercise valuable, should if
2 possible be subject to agreement obviously.

3 And, again, cost items as my friends have
4 mentioned will have to be looked at.

5 Expected yields in volumes are also
6 matters that my friends have raised, so they will have
7 to be looked at. And, of course, the Board is aware
8 that there may well be differences of opinion between
9 parties on that matter, there may have to -- the
10 experts that are dealing with this may have to come to
11 some optional situations that they may be assessing.

12 And of course, as you're well aware,
13 there's also some difference of opinion perhaps or some
14 options that would have to be looked at as to how one
15 would value wood.

16 We have made the suggestion in our
17 proposal that a particular method be used or a
18 particular software be used that will allow for this
19 kind of analysis.

20 However, as the Board is aware in
21 listening to discussions on modelling in the past, the
22 model itself can be very useful, but it doesn't tell
23 you the numbers and we will have to ensure that you
24 know what the numbers are that are used and the reasons
25 for them. We think that the parties are interested in

1 having their experts get together to carry on with
2 looking at what those numbers might be.

3 I do have a couple of matters that we
4 would like some clarification from the Board about, and
5 if we can clear up those matters, it may be that the
6 experts can then carry on.

7 I had two questions. First of all, it
8 was our understanding of your original question that
9 what you were looking for was a display of all costs
10 related to timber management activities and focussing
11 on the costs of silvicultural activities and results in
12 terms of timber, and we wanted to ensure that we were
13 correct, that the Board was looking at this as an
14 exercise dealing with the actual timber management
15 activities and timber results rather than looking at
16 spinoffs or looking at other costs and benefits.

17 If we're correct, then we understand what
18 you need. We would also suggest, however, as I have
19 mentioned in the letter, that other spinoff costs and
20 benefits should be at least identified and listed by
21 the group so that the people who are involved know
22 exactly what it is they have assessed for you.

23 So our first question is whether we're
24 correct in understanding the question to that degree.

25 And we had a second sort of practical

1 question that was raised in our letter; and, that is,
2 that the methodology that we're discussing deals
3 primarily with even-aged management in the boreal
4 forest, and we point out that the analysis becomes
5 rather indifferent if you're getting into the
6 uneven-aged management in the Great Lakes/St. Lawrence
7 Forest.

8 It may be that the Board does not require
9 that separate analysis to answer their question and we
10 would simply like your direction on that.

11 And, finally, I was going to suggest that
12 if we have your direction on those two matters, that
13 we're prepared certainly to have our people get
14 together with the experts from the other parties who
15 have expressed an interest and report back to you on
16 their progress in August.

17 One difficulty that we foresee is that if
18 to any degree we will require input from the field with
19 respect to data over the summer it's particularly
20 difficult, but with that in mind we're suggesting that
21 the committee report back to the Board on their
22 progress before the Board reconvenes, I think it's the
23 19th of August.

24 MADAM CHAIR: The answer to the first
25 question you have for us, Ms. Murphy, is that your

1 interpretation is correct, we are looking very much at
2 the silvicultural activities as they pertain to
3 logging, getting the wood out of the bush, and the
4 aspects of road building that are involved with what
5 seems to us to be two very clear silvicultural
6 alternatives.

7 We can't see -- I guess Mr. Martel and I
8 are a little stymied with how this is turning out to be
9 a major make work project for you and your consultants.
10 We just can't understand why it's going to take months
11 and months of this kind of work. We're sort of
12 befuddled by that.

13 To us there are two very clear distinct
14 alternatives that have been suggested to this Board by
15 the evidence so far, maybe more, I don't know whether
16 we're going to hear from any other parties or what
17 they're going to say, I have no idea.

18 But so far we have in front of us the way
19 that we conducted timber management in Ontario as
20 explained by your clients, Ms. Murphy, and as explained
21 by the Industry; and, that is, a conventional clearcut
22 logging operation followed often by artificial
23 regeneration. We consider that to be a conventional
24 technique that has been applied in a general way to the
25 boreal forest.

1 We don't have a lot of evidence in front
2 of us that people are as concerned about large
3 clearcuts in the southern part of the Great Lakes/St.
4 Lawrence Forest; certainly we've heard some of that
5 evidence with respect to Finland, but I don't think we
6 want you to investigate all of the Great Lakes/St.
7 Lawrence Forest cover to investigate that question for
8 us, no.

9 So, on the one hand, the Board has in
10 front of it the conventional way that timber management
11 practices have evolved in modern times and, on the
12 other hand, we have Forests for Tomorrow coming before
13 us and saying, we think you can do it a better way, we
14 think you can go more modified cutting, we think you
15 can do smaller clearcuts, we think you can build fewer
16 roads, we think you can get higher yields, we think you
17 can better sustainable forestry. That's very -- and
18 less herbicide spraying. In fact, they don't want any
19 herbicide spraying ultimately, I think is what they
20 would like.

21 Now, to us it is as plain as black and
22 white. You are talking about two different systems and
23 I think you have got to focus on answering some of
24 those big -- not getting involved in the details that
25 there are 35 different ways of trying to look at, you

1 know, expected yields.

2 We would be perfectly content to hear Mr.
3 Crandall Benson suggested a range from "x" to "y" with
4 respect to what expected yields could be. We don't
5 want you to go out and do a Ph.D thesis on this topic.
6 We don't want it. We don't want hundreds of thousands
7 more of taxpayers' money being spent on this.

8 What we are giving the parties is I think
9 an opportunity -- because of course we could call our
10 own consultants to have this work done for us. What we
11 are doing is giving the parties an opportunity.
12 Obviously, you haven't given us all the information we
13 want to receive on these matters.

14 You have told us that's because of lot of
15 it is confidential company information and you've had
16 to rely on published sources, and we understand that.
17 We don't want to know the cost of operation of any
18 company in the Province of Ontario. We don't want
19 that.

20 We want ranges of costs that will allow
21 you to say: At the end of the day whether you
22 undertake the same kind of conventional silvicultural
23 methods it will cost about the same as a change to
24 smaller clearcuts or modified harvesting or whatever or
25 no, it will be much more expensive or much cheaper.

1 MS. MURPHY: Madam Chair, how I would
2 have to respond is this, that the difficulty is, first
3 of all, the evidence before the Board is that the
4 conventional system is a mix of treatments.

5 MADAM CHAIR: A mix of treatments with a
6 much smaller component of alternatives of clearcutting.

7 MS. MURPHY: But a mix of treatments with
8 a number of different activities occurring and a number
9 of different silvicultural systems. There isn't just
10 one.

11 MADAM CHAIR: We understand that.

12 MS. MURPHY: Now, the difficulty then is
13 what you are asking apparently for is some kind of
14 assessment of an alternative system, and frankly
15 without further information about that alternative
16 system I am not certain how my client can answer the
17 question. We certainly can't answer the question
18 without a good deal more information from Ms.
19 Swenarchuk.

20 MADAM CHAIR: Well, we listened to
21 several months of Ms. Swenarchuk's information and it
22 was clear to us that she was proposing something
23 different than the conventional harvesting and tending
24 systems that are used in Ontario.

25 MS. MURPHY: Let me remind you, for

1 example, that Mr. Marek in his evidence suggested that
2 some certain percentage would be single purpose
3 forestry. We don't know at this point what that
4 percentage is.

5 MR. MARTEL: We are not looking for that.
6 I mean, why are you making it complex?

7 MS. MURPHY: Because it is.

8 MR. MARTEL: You want us to make a
9 decision without figures, without any comparison of
10 costs. We understand what Mr. Marek said, you know,
11 but we are not worried about whether it is 40 per cent
12 that he was designing. We want to know what the
13 differences are, and don't tell me that MNR hasn't got
14 them.

15 MNR has done forest management plans for
16 years and they have done regeneration for years. We
17 are not even asking you to go into the companies'
18 books. It has taken on all of the symptoms of a horror
19 story what we are asking you to do.

20 I mean, I look at the letter and in seven
21 weeks you can't have a meeting. I'm from Missouri, if
22 you want a meeting bad enough you get the damn thing in
23 less than seven weeks, quite frankly.

24 It just takes everything out of
25 proportion. We are trying to get a handle on the type

1 of decision -- the effects on the type of decision we
2 will make on all of the parties, and if you make it so
3 convoluted that we can't understand it, then what good
4 is the process?

5 I mean, everything in this whole case has
6 been made to be so complex that you need a Ph.D just to
7 understand what the hell is going on.

8 Quite frankly, I sometimes wonder where
9 we are attempting to go. Is this for the benefit of
10 the people of the province or a game in verbal
11 gymnastics. I'm sorry, but I really got frustrated
12 just reading letter and listening to what's going on.
13 In seven weeks you can't arrange a meeting with three
14 or four parties. We have been down half that time. I
15 mean, I'm from Missouri, you are going to have to
16 convince me you couldn't meet in seven weeks.

17 I'm telling you. We wouldn't ask for the
18 material if we thought we had a handle on it, on the
19 comparisons of the various processes out there. We
20 just wouldn't ask for it. I mean, this isn't a
21 make-work project that I used to do for kids in school
22 to keep them busy. This is so we have a better
23 understanding so the decision we make is the best
24 decision for the people of the province and the people
25 involved in terms of jobs and everything else.

1 Quite frankly, I am really frustrated
2 sitting here today listening to this. I don't know how
3 you want us to make a decision if we don't have those
4 comparisons and everybody has them, quite frankly,
5 maybe except for people like Forests for Tomorrow, but
6 Industry has them, MNR has them.

7 MR. CASSIDY: Mr. Martel, that just isn't
8 the case. I have told you that my clients position is
9 that you are dealing with a variety of sites in the
10 area of the undertaking.

11 MR. MARTEL: I know we are dealing with a
12 variety of sites. We have been here for three years.
13 We understand that, too, Mr. Cassidy.

14 MR. CASSIDY: We never led evidence on
15 this very issue for the very problem of it being so
16 complex that it would lead the Board to make a ruling
17 perhaps on something that applies in a particular site
18 which has no relevance to that site.

19 MR. MARTEL: What should we make rulings
20 on then, Mr. Cassidy?

21 MR. CASSIDY: I'm sorry?

22 MR. MARTEL: Why should we make rulings
23 that could influence the way we are going in this
24 province on -- what sort of economic material should we
25 have to make those decisions?

1 MR. CASSIDY: Mr. Martel, it wasn't my
2 client who led evidence suggesting that there be some
3 cost comparison between the systems.

4 MR. MARTEL: Well, Mr. Cassidy, and
5 that's why when we didn't do the very cost comparisons
6 that we thought were adequate we decided it was time
7 that we would order it.

8 We didn't understand quite frankly -- I
9 didn't, I won't speak for my colleague, but I didn't
10 understand the difference, how much those cost
11 differences were. You could make a decision that said:
12 We are going to reduce the size of cutting tomorrow, as
13 in the States, to 40 hectares, but what would be the
14 effect of that in Ontario?

15 We better know because those are the
16 types of decisions we are being asked to make. If we
17 can't make them realistically, what do you want us to
18 do, flip a coin? We will take this one as opposed to
19 that one?

20 MADAM CHAIR: What Mr. Martel is saying
21 is that we see our decision points as being much
22 simpler than the parties and their counsel seem to see
23 them. To us the decisions are fairly distinct
24 decisions and we see ways of looking at those
25 decisions.

1 I think Mr. Martel was saying to you, Mr.
2 Cassidy, that from the evidence of the OFIA we don't
3 believe that your clients have said to us that they
4 think smaller clearcuts and less artificial
5 regeneration and less herbicide use would be a cheaper
6 way to conduct timber management. We don't believe
7 that that was your evidence.

8 MR. CASSIDY: You are right, Madam Chair,
9 that in the context of my client's position it is
10 impossible to make that statement across the area of
11 the undertaking.

12 I'm sorry, that is the fundamental
13 reality of the biological nature of this province, plus
14 the economics that vary wildly from Kenora to Timmins
15 and that is the fundamental dilemma my client is facing
16 and I suspect that is the fundamental dilemma that
17 Forests for Tomorrow face. However, I will it to them
18 to deal with that issue.

19 MADAM CHAIR: I think that is a problem,
20 Mr. Cassidy, but we are saying the largest area
21 harvested in this province is by far done by
22 clearcutting. It is not done by block cutting or strip
23 cutting or other kinds of modified logging techniques.

24 We think that there must be some way that
25 you can put before the Board some assumptions about

1 what would happen if the Board were to look at some of
2 the proposals put forward by Forests for Tomorrow and
3 maybe other parties - I have no idea - that in fact the
4 clearcut size should be smaller, that more of the area
5 harvested every year should be done by modified
6 operations or that there should be a greater reliance
7 on natural regeneration and a decreased reliance on
8 artificial regeneration.

9 These are very -- we think you are making
10 this much too complicated. We are not going to
11 discourage you from going ahead, but we are going to
12 discourage you from investing too much time or too much
13 money in this project.

14 We want to know how long it is going to
15 take you people to get together and what the costs will
16 be because it might be cheaper and more efficient for
17 the Board to go out and this get this information
18 itself, but I think you should have the opportunity to
19 present it to us.

20 MS. GILLESPIE: May I make a suggestion,
21 Madam Chair?

22 The MOE proposes that Mr. Sutterfield
23 will be its representative on this committee. I know
24 that Mr. Sutterfield -- I don't have the advantage of
25 having him here today, but I know he has a simpler view

1 about how to answer this question and that much of the
2 information is already in the record, such as the
3 breakdown of different methods that are being used by
4 MNR currently in Exhibit 534A and it may be possible to
5 take that kind of a percentage approach to this
6 question and come up with the answer to your question.

7 What we propose is at least an initial
8 meeting take place to try and refine what the question
9 is and how to answer it, and then to come back quickly
10 to you if it is not possible to agree on how to proceed
11 and that we do not propose getting into the analysis
12 without that meeting that the MNR is proposing.

13 MS. SWENARCHUK: Madam Chair, I would
14 certainly second that proposal.

15 Might I just say that we have been round
16 and round this issues for four years, Forests for
17 Tomorrow. I have heard the Board very loud and clear
18 this afternoon. I expect my colleagues have as well,
19 and I understand the obligation you have put on us and
20 we will do our best to meet it. That's it.

21 MADAM CHAIR: The Board, by the way, in
22 saying that it wants you to undertake this process as
23 quickly and simply as you can is not saying that we
24 don't think you can use the Crop plan model as proposed
25 here.

1 You might decide that this model has
2 great benefit in coming up with some answers to those
3 questions. I don't know. We are not saying, don't
4 follow some of the suggestions in this proposal by MNR.
5 That's not what we are saying, but we want some
6 comparison data of costs between what would seem to be
7 very different alternatives with respect to
8 silvicultural approaches in Ontario. We don't want
9 company information.

10 There may be a way of using proxy
11 indicators for that sort of thing. We are talking
12 about ranges of costs, we are talking about percentage
13 comparisons. We are not talking specifically about
14 factual information on how much a company spends or
15 precise differences in the cost of the two techniques.
16 We are trying to understand if there is any sort -- if
17 they are comparable in any way with respect to the
18 costs of the two very different alternatives, and
19 that's the question we want answered.

20 MR. MARTEL: See, we might say -- it is
21 just a hypothetical. We might say government - as I
22 understand from what's been said at this hearing a
23 couple times - we might say: Government, keep more
24 money into roads and have smaller clearcuts to try to
25 balance it, but we have no idea - I don't anyway - on

1 how that would work itself through.

2 As I say, just to say yes this is the
3 way -- I mean, each has some attractive things to do.
4 Which one are you going to do, and we are talking about
5 forestry for the next how many years really in Ontario?
6 If there are some serious mistakes, heaven help us.
7 That's what I worry about.

8 MR. CASSIDY: Mr. Martel, I agree with
9 you completely and the thrust I think of all our
10 comments in a sense. You will get an answer out of
11 this exercise whether it is in the fashion suggested in
12 the format now or as a result of these meetings.

13 We have highlighted for you some
14 complications and that's the concern we have about the
15 answer down the road and, you know, everybody is trying
16 to be helpful here, but at the same time the
17 limitations have to be recognized upfront if they do
18 indeed exist.

19 MADAM CHAIR: All right. Is there
20 anything you wanted to add to this, Ms. Murphy?

21 MS. MURPHY: No.

22 MADAM CHAIR: Okay. Thank you very much
23 for getting a sort of proposal to the Board, and I
24 don't know, you might be hearing from other parties on
25 that. I have no idea.

1 But the Board would like to be informed
2 how quickly the parties can meet on this matter and how
3 much time you think it will be to do this project. The
4 Board just can't believe that this project will take
5 months and months of calculating and cost tens or
6 hundreds or thousands of dollars of time. If in fact
7 that's what it will cost we want to be told.

8 Thank you very much.

9 ---Whereupon the hearing adjourned at 5:35 p.m. to be
10 reconvened Wednesday, May 29, 1991 commencing at
11 9:00 a.m.

